

JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
REGULAR SESSION OF 1963

HELD IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, MAY 7, 1963



Vol. II

WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

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JOURNAL
OF
THE SENATE
OF THE
STATE OF ALABAMA
REGULAR SESSION OF 1963

EIGHTEENTH LEGISLATIVE DAY

THURSDAY, JUNE 27, 1963

The Senate met pursuant to adjournment, Lieutenant Governor Allen presiding.

PRAYER

The Session was opened with prayer by Honorable C. M. Wilson, Chaplain of the Senate.

ROLL CALL

Present:

Messrs.	Eddins	Lowe	Reynolds
Adams	Gilchrist	Mathews	Roberts
Allen	Givhan	McCain	Robison (Montgomery)
Bentley	Hammond	McDow	Robison (Pickens)
Brannon	Hawkins	Metcalf	Shelton
Carter	Hornsby	Montgomery	Taylor
Clark	James	Nichols	Tyson
Cooper	Lolley	Oden	Wilson
Dumas			

JOURNAL

On motion of Mr. Nichols, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. McCain, leave of absence was granted Messrs. Horton and Smith for today.

REPORT OF COMMITTEE
ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventeenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

WILLIAM C. MCCAIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. McCain, the foregoing report was concurred in and the Journal of the Senate for the Seventeenth Legislative Day was approved by the Senate.

UNFINISHED BUSINESS

The Senate proceeded to consideration of the unfinished business of yesterday which was the Resolution:

S. R. 21. — Setting special orders.

Mr. Nichols offered the following substitute for the Resolution, to-wit:

SUBSTITUTE FOR S. R. 21

Be it Resolved by the Senate that the following shall be the special, paramount and continuing order of business today on the call of the calendar, superseding all and any prior special, paramount and continuing orders of business.

H. B. 182 pg 18
H. B. 288 pg 18

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 124. To amend further Code of Alabama 1940, Title 51, Section 788, which relates to the levy of the state use tax.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 125. To amend Section 3 of Act No. 106, H. B. 81, Second Special Session 1963, and to add Sections 4 and 5 to said Act entitled "An Act, To amend Act No. 100, H. 94, Second Special Session 1959, entitled 'An Act to raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom, superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented, in relation to the rate of such tax; amending Sections 2 and 24 thereof."

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING

The Bill:

H. 470. To make an additional appropriation for payment of expenses of the Legislature.

Was read a third time at length and passed.

Yeas 22; Nays 5.

Yeas:

Messrs.	Eddins	Mathews	Robison (Pickens)	
Adams	Gilchrist	McCain	Shelton	
Allen	Hammond	McDow	Taylor	
Bentley	Hornsby	Metcalf	Tyson	
Brannon	James	Montgomery	Wilson	
Carter	Lolley	Nichols		—22

Nays:

Messrs.	Cooper	Lowe	Oden	
Clark	Dumas			—5

The Bill:

H. 484. To repeal Act No. 294, H. 707, Regular Session 1959 (Acts 1959, p. 863), an act which levies sales and use taxes in Greene County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Montgomery)
Brannon	Hammond	Metcalf	Robison (Pickens)
Carter	Hawkins	Montgomery	Shelton
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 241. To further amend Section 2 of Act No. 501, S. 399, Regular Session 1957 (Acts 1957, p. 688) relating to the office of the judge of probate of Madison County, providing for an increased appropriation of county funds for the operation of such office and authorizing an additional contingent appropriation therefor.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	Lowe	Roberts
Adams	Givhan	Mathews	Robison (Montgomery)
Allen	Hawkins	McCain	Robison (Pickens)
Bentley	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 476. To authorize and provide for clerical assistants to the tax collector of Cherokee County; to provide for the selection, employment and discharge of such assistants, to fix their compensation and provide for the payment thereof out of county funds.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	Mathews	Robison (Montgomery)
Adams	Givhan	McCain	Robison (Pickens)
Allen	Hammond	McDow	Shelton
Bentley	Hawkins	Metcalf	Taylor
Brannon	Hornsby	Montgomery	Tyson
Carter	Lowe	Roberts	Wilson
Clark			

—24

Nays:

—0

The Bill:

S. 242. To provide and providing that in all counties in Alabama whose population is not less than 100,000 people and not more than 115,000 people according to the 1960 or any subsequent Federal decennial census that all non-profit public general hospitals which are agencies of such counties or of any city located in such counties or of both such counties and cities, and all hospital boards operating such hospitals within such counties, shall be authorized and empowered to adopt, contract for, obtain and maintain a retirement pension plan for its officers and employees or such of its officers and employees as it may determine, and to contract for, obtain and maintain a pension trust agreement with any bank, banking institution or insurance company authorized by law to act as a trustee in the State of Alabama, and to contribute and pay to such trustee all funds and monies reasonably necessary to provide for all retirement pensions provided for in said retirement pension plan and all costs or expenses of servicing the same, and to contract for, obtain and maintain policies of group life, health, accident and hospitalization insurance and insured or uninsured retirement plans for its officers and employees or for such of its officers and employees as it shall determine to be entitled thereto.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	Lowe	Roberts
Adams	Givhan	Mathews	Robison (Montgomery)
Allen	Hammond	McCain	Robison (Pickens)
Bentley	Hawkins	McDow	Shelton
Brannon	Hornsby	Metcalf	Taylor
Carter	James	Montgomery	Tyson
Clark			

—24

Nays:

—0

The Bill:

H. 477. To authorize and provide for clerical assistants to the tax assessor of Cherokee County; to provide for the selection, employment and discharge of such assistants, to fix their compensation, and provide for the payment thereof out of county funds.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Carter	Cooper	Eddins
Brannon	Clark	Dumas	Givhan

Hammond	McDow	Oden	Shelton
Hawkins	Metcalf	Reynolds	Taylor
Hornsby	Montgomery	Robison (Montgomery)	Tyson
James	Nichols	Robison (Pickens)	Wilson
Lolley			

—24

Nays:

—0

The Bill:

H. 479. To authorize and provide for clerical assistants to the circuit clerk of Cherokee County; to provide for the selection, employment and discharge of such assistants, to fix their compensation, and provide for the payment thereof out of county funds.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	Lowe	Roberts
Adams	Givhan	Mathews	Robison (Montgomery)
Allen	Hammond	McCain	Robison (Pickens)
Bentley	Hornsby	Nichols	Shelton
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 31. Relative to designating the Alabama State Coliseum "The Garrett Coliseum."

Also:

H. J. R. 67. Relative to adjournment of the two houses.

Also:

H. J. R. 68. Relative to inviting Mary D. Cain, of Summit, Mississippi, to speak to a joint session of the Legislature.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after

the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 72. Relative to the tragic death of T/Sgt. Amon Terrell Rushing and family.

Also:

H. J. R. 73. Relative to naming House Joint Resolution 31.

Also:

H. J. R. 74. Relative to congratulating and commending the Elmore County Band.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 75. Relative to mourning the death of Dean Charles Manfred Thompson.

Also:

H. J. R. 76. Relative to the Honorable Aubrey DeWitt Green.

Also:

H. J. R. 77. Relative to designating the "E. C. Ellison Highway."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 250. To regulate further the bail bond business in counties having populations of not less than 57,000 nor more than 61,000; amending Code of Alabama 1940, Title 15, Section 201.

Also:

H. 272. To amend further Act No. 496, H. 930, Regular Session 1953 (Acts 1953, p. 624) which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices.

Also:

H. 275. Relating to counties having populations of not less than 31,000 nor more than 32,000, according to the most recent federal decennial census; prescribing further the fees allowed sheriffs in such counties.

Also:

H. 276. Relating to counties having populations of not less than 15,500 nor more than 16,300; regulating the compensation of the county superintendents of education of such counties.

Also:

H. 277. Relating to counties having population of not less than 15,500 nor more than 16,300; regulating the compensation of members of the county boards of education of such counties.

Also:

H. 281. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Florence in Lauderdale County so as to annex certain territory to the city.

Also:

H. 282. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Florence in Lauderdale County, so as to annex certain territory to the City.

Also:

H. 287. To define and regulate the business of well drilling in Madison County; to provide for the issuance of well drilling licenses

by the Madison County Judge of Probate; to provide for the filing of a bond by the applicant for such a license; to provide for the adoption of rules and regulations by the Madison County Health Department; to provide for the inspection of well drilling activities by the Madison County Health Officer; to provide for the revocation of licenses; and to prescribe penalties.

Also:

H. 298. To repeal Act No. 502, approved November 19, 1959, an act relating to fixing the supplemental salaries of circuit judges in judicial circuits composed of only one county classified on a population basis (Acts of Alabama, 1959, Volume 2, page 1236).

Also:

H. 299. To supplement the state salary payable to the circuit judges by payments from the county treasury in all judicial circuits composed of only one county which has a population of not less than sixty-five thousand nor more than ninety-five thousand, according to the most recent federal decennial census.

Also:

H. 302. Relating to the solicitor of the First Judicial Circuit; to provide for payment to him from the county treasuries of the counties composing the circuit of a monthly allowance for expenses.

Also:

H. 303. To authorize and direct the county board of education of all counties having populations of not less than 15,300 nor more than 15,400 according to the last or any subsequent federal decennial census to provide for increasing the salary or other compensation of school bus drivers in the county.

Also:

H. 313. Relating to counties having populations of not less than 42,000 nor more than 46,000; fixing the compensation of election officials in such counties.

Also:

H. 317. To authorize and empower the Board of Revenue, Court of County Commissioners or other like governing bodies of all counties having a population in excess of 600,000 according to the last or any subsequent federal decennial census to provide and furnish uniforms for the personnel of any county home, poor farm, or alms house, owned and operated by any such county.

Also:

H. 318. To alter, extend and rearrange the corporate limits of the City of Birmingham, in the County of Jefferson, and State of Alabama, by the inclusion within the corporate limits of said City of certain additional territory now or formerly included within the City of Fairfield.

Also:

H. 319. To alter and re-arrange the boundary lines of the City of Mountain Brook, Alabama, so as to include within the corporate limits of said city, all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said city.

Also:

H. 338. To alter and rearrange the boundaries of the Town of Gordo, Pickens County, Alabama.

Also:

H. 372. Relating to Walker County; fixing the compensation of the county superintendent of education; repealing conflicting laws.

Also:

H. 373. For the relief of Grady Nesmith; authorizing the county governing body of Walker County to make an appropriation to compensate said Grady Nesmith for certain injuries.

Also:

H. 374. For relief of Robert Claud Reid; authorizing and directing the county governing body of Walker County to make an appropriation to compensate said Robert Claud Reid for certain damages.

Also:

H. 375. To provide for the relief of Howard Thomas; authorizing an appropriation from the funds of Walker County for such purpose.

Also:

H. 376. Relating to Washington County, regulating further the insuring of certain public school buildings in the county, together with the equipment, furniture, fixtures, and other property of such buildings.

Also:

H. 381. Relating to counties having populations of not less than 15,500 nor more than 16,300; providing increases in pay for all employees of the county board of education in such counties.

Also:

H. 382. To fix and regulate the payment of the compensation and expenses of members of the county board of education of every county which has a population of not less than 15,000 nor more than 15,300.

Also:

H. 423. To amend Section 10, Act Number 250 of the Regular Session of the Legislature of the State of Alabama, 1959.

Also:

H. 426. To regulate the compensation of members of the county board of education in counties having populations of not less than

25,800 nor more than 26,700, according to the 1960 or any subsequent federal decennial census.

Also:

H. 427. Relating to Sumter County; to provide for employment of an additional assistant by the tax collector for portions of each fiscal year, whose compensation shall be paid by the county.

Also:

H. 428. Relating to Sumter County; amending further Section 8 of Act No. 261, H. 571, Regular Session 1947 (Local Acts 1947, p. 187) in relation to the maximum compensation of the county engineer.

Also:

H. 354. To amend further Section 1 of Act No. 550, S. 433, Regular Session 1947, which relates to the appointment, qualifications, tenure, and compensation of the superintendent of education of Geneva County.

Also:

H. 416. Relating to Marion County; regulating further the business of money brokers and persons who lend money on notes or mortgages or other personal security, prohibiting the issuance of licenses to such persons under the Alabama Small Loan Act, and prescribing penalties.

Also:

H. 429. Relating to Washington County; requiring the marking of certain county vehicles, and prescribing penalties.

Also:

H. 430. To limit or restrict the jurisdiction of justices of the peace and notaries ex officio justice of the peace elected or appointed for any precinct in Washington County.

Also:

H. 32. To provide that all paid firemen in cities or towns with a population of not less than 50,000 and not more than 60,000 or more shall not be required to work in excess of 56 hours for any average week throughout the calendar year.

Also:

H. 435. To create a court of general sessions for Washington County in lieu of the inferior court created by Act No. 22, H. 201, Regular Session 1949, abolishing the inferior court, and conferring upon the court of general sessions jurisdiction in certain civil cases at law.

Also:

H. 134. To amend Section 5 of Act No. 261, H. 808, Regular Session 1955 (Acts 1955, v. 1, p. 606), the act providing that the state highway department shall construct, maintain, and repair the roads

and bridges of Cherokee County, in relation to the hours of work and pay of personnel employed in road and bridge work in the county.

Also:

H. 296. Relating to counties having populations of not less than 24,800 nor more than 25,400; to regulate the compensation of the superintendent of education of such counties.

Also:

H. 384. To alter and re-arrange the boundary lines of the City of Mountain Brook, Alabama, so as to include within the corporate limits of said City, all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

Also:

H. 438. To amend Section 10 of Act No. 17, H. 21, Regular Session 1957 (Acts 1957, p. 43), the Bibb County sales and use tax act, so as to provide further for the use of the revenues from the taxes.

Also:

H. 445. To further amend Section 712 of Title 51, Code of Alabama 1940 as amended so that certain requirements do not apply in counties of over 600,000 population.

Also:

H. 450. Relating to counties having populations of not less than 22,350 nor more than 24,500; authorizing county boards of education to furnish certain supplies and services heretofore furnished by the county governing bodies and relieving county governing bodies of the responsibility of furnishing such supplies and services.

Also:

H. 124. To amend further Code of Alabama 1940, Title 51, Section 788, which relates to the levy of the state use tax.

Also:

H. 125. To amend Section 3 of Act No. 106, H. B. 81, Second Special Session 1963, and to add Sections 4 and 5 to said Act entitled "An Act, To amend Act No. 100, H. 94, Second Special Session 1959, entitled 'An Act to raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom, superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented, in relation to the rate of such tax; amending Sections 2 and 24 thereof.'"

Also:

H. 467. Proposing an amendment to the Constitution of Alabama relating to York in Sumter County, and ordering an election thereon.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 470. To make an additional appropriation for payment of expenses of the Legislature.

Also:

H. 484. To repeal Act No. 294, H. 707, Regular Session 1959 (Acts 1959, p. 863), an act which levies sales and use taxes in Greene County.

Also:

H. 476. To authorize and provide for clerical assistants to the tax collector of Cherokee County; to provide for the selection, employment and discharge of such assistants, to fix their compensation and provide for the payment thereof out of county funds.

Also:

H. 477. To authorize and provide for clerical assistants to the tax assessor of Cherokee County; to provide for the selection, employment and discharge of such assistants, to fix their compensation, and provide for the payment thereof out of county funds.

Also:

H. 479. To authorize and provide for clerical assistants to the circuit clerk of Cherokee County; to provide for the selection, employment and discharge of such assistants, to fix their compensation, and provide for the payment thereof out of county funds.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

FURTHER CONSIDERATION OF S. R. 21

The Senate proceeded to further consideration of the Resolution:

S. R. 21. — Setting special orders.

The question was on the substitute for the Resolution offered by Mr. Nichols.

Mr. Gilchrist offered the following substitute for the substitute offered by Mr. Nichols for the Resolution, S. R. 21, to-wit:

Subt. For Nichols Subt. for Rules Comm. Resolution S. R. 21

Amend the Rules Committee Report, S. R. 21, to read as follows:

S. R. 21. BE IT RESOLVED BY THE SENATE That the following shall be the special, paramount and continuing order of business today on the call of the calendar, superseding all and any prior special, paramount and continuing orders of business:

1. H. 182 — Page 18
2. H. 288 — Page 18
3. S. 64 — Page 2

On motion of Mr. Nichols the substitute offered by Mr. Gilchrist was laid on the table.

Yeas 21; Nays 6.

Yeas:

Messrs.	Cooper	Lowe	Nichols
Adams	Gilchrist	Mathews	Reynolds
Allen	Givhan	McDow	Robison (Pickens)
Brannon	Hammond	Metcalf	Taylor
Carter	James	Montgomery	Wilson
Clark	Lolley		

—21

Nays:

Messrs.	Dumas	McCain	Shelton
Bentley	Eddins	Roberts	

—6

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Bentley:

S. 266. Relating to Blount County; abolishing the board of finance and control created by Act No. 334, H. 954, approved September 2, 1955, and restoring and re-establishing the court of county commissioners of Blount County in lieu thereof, providing for the organization, powers, jurisdiction, and duties of the court of county commissioners; and providing for the qualifications, election, term, powers, duties, authority, and compensation of its members.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

**A BILL
TO BE ENTITLED
AN ACT**

**STATE OF ALABAMA
COUNTY OF BLOUNT**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

Relating to Blount County; abolishing the board of finance and control created by Act No. 334, H. 954, approved September 2, 1955, and restoring and re-establishing the court of county commissioners of Blount County in lieu thereof, providing for the organization, powers, jurisdiction, and duties of the court of county commissioners; and providing for the qualifications, election, term, powers, duties, authority, and compensation of its members.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of finance and control of Blount County created by Act No. 334, H. 954, approved September 2, 1955, is abolished, and in lieu thereof there is hereby restored and re-established in Blount County a court of record styled the court of county commissioners of Blount County, which shall be composed of the judge of probate as principal judge, and four commissioners who shall be elected as hereinafter provided.

Section 2. One county commissioner shall be elected from each of the four districts into which the county is now divided by law for the purpose of electing members of the county governing body of Blount County. A candidate for county commissioner must be a qualified elector and legal resident of the district he seeks to represent and shall continue to reside therein during his continuance in office. Commissioners from districts one and three shall be elected at the general election to be held in 1966, and every four years thereafter. Commissioners from districts two and four shall be elected at the general election to be held in 1964, and every four years thereafter. The commissioners elected under the provisions of this Act shall hold office for terms of four years from the first Monday after the second Tuesday in January next succeeding their election, and until their successors are elected and qualified.

Section 3. The present four associate members of the board of finance and control of Blount County shall serve as county commissioners of the court of county commissioners of Blount County until their successors are elected and qualified as herein provided.

Section 4. Each commissioner elected under the provisions of this Act shall receive as compensation for the services rendered in his capacity as commissioner a salary of three thousand dollars (\$3,000) per annum, payable in equal monthly installments, plus mileage at the rate of seven cents (\$.07) per mile for each mile traveled on official county business, but the mileage provided herein shall not exceed fifty dollars (\$50.00) per month. A part of the commissioners' salaries may be paid out of the county gasoline tax revenues, provided that the part of such salaries so paid out of county gasoline tax

revenues shall bear the same proportion to the total salary paid to such commissioner as the time devoted by such commissioner to supervising, inspecting, accepting, building, or repairing county roads and bridges bears to the total time devoted by such commissioner to all his duties as a member of the court of county commissioners. The court of county commissioners shall determine the proportion of such salaries to be paid out of county gasoline revenues. The judge of probate of Blount County shall be entitled to the compensation provided by law for judges of probate who serve as principal judge of courts of county commissioners.

Section 5. The court of county commissioners of Blount County shall have all the jurisdiction and powers which are, or which hereafter may be, vested in courts of county commissioners, boards of revenue, or like county governing bodies by the general laws of this State, or vested in the governing body of Blount County by local law; and the members of the court of county commissioners shall perform all the duties and services and exercise all the powers which are, or which hereafter may be, provided by the general laws of this State for the members of courts of county commissioners, boards of revenue, or like county governing bodies, or for the members of the governing body of Blount County by local law.

Section 6. All laws or parts of laws in conflict with this Act are repealed; and Act No. 334, H. 954, approved September 2, 1955, which created the board of finance and control of Blount County, is expressly repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. The substantial provisions of this Act shall become operative only if approved by a majority of the qualified electors of Blount County who vote in a referendum to be held on the same day as the first county-wide election held after the date of this enactment. The board of finance and control of Blount County shall order and provide for the holding of the referendum on such date. On the ballots to be used at the referendum the question shall be stated substantially as follows: "Shall the provisions of Act No. of the 1963 Regular Session of the Legislature, which abolishes the board of finance and control of Blount County and recreates and re-establishes in lieu thereof a court of county commissioners for Blount County, be adopted? (Yes) (No)." If the majority of the votes cast at the referendum are "Yes," all the provisions of this Act shall become operative immediately. If the majority of the votes cast are "No," the Act shall have no further effect. The judge of probate of Blount County shall certify the results of the election to the Secretary of State of Alabama within thirty days after the result thereof has been ascertained.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF BLOUNT

Before me, the undersigned authority in and for said County in said State, this day personally appeared Rice M. Howard, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was editor of the Southern Democrat, a news-

paper of general circulation published in Blount County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 30, June 6, June 13, and June 20, all in the year 1963.

RICE M. HOWARD,
Publisher.

Sworn to and subscribed before me June 26, 1963.

MOLLY RYAN,
Title Notary Public.

By Messrs. Robison (Montgomery), Mathews, Dumas and Hawkins:

S. 267. To establish a sub-committee of the Alabama State Board of Education to give special study and consideration to and make recommendations to the State Board of Education concerning all matters requiring action of the State Board of Education pertaining to Vocational Education.

Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 89. To regulate the compensation and allowances of members of the board of education of Marshall County and provide for the payment thereof.

Also:

S. 110. Relating to counties having populations of not less than 24,800 nor more than 25,400; to regulate the compensation of the superintendent of education of such counties.

Also:

S. 119. To amend Section 2 of Act No. 114, H. 159, Special Session 1962, providing for compensation and expense allowances for members of the county board of education of counties of not less than 46,600 nor more than 49,050 population, so as to fix the mileage allowance for authorized travel of members at eight cents per mile.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Turner (Limestone), Rogers, Casey and Turnham:

H. 284. To propose an amendment to the Constitution of Alabama authorizing the Legislature to provide for promotion of production, distribution, marketing, use, improvement and sale of poultry and poultry products.

Also:

By Messrs. Turner (Limestone), Rogers, Casey and Turnham:

H. 285. To authorize and provide for the promotion of the production, marketing and use of eggs and egg products by research, education, advertising and other methods; prescribing a method whereby producers of eggs may act jointly with handlers, buyers and processors of poultry and poultry products and with the State Board of Agriculture and Industries for a promotional program; providing that producers of eggs who own or have possession of hens may by referendum levy upon themselves assessments for financing a promotional program and for the collection and expenditure of funds collected from assessments, the regulations, requirements and authority relative thereto; prescribing duties of the Commissioner of Agriculture and Industries and the State Board of Agriculture and Industries with respect to such a promotional program; and providing for the administration thereof by nonprofit associations; and providing for the collection of assessments by dealers, handlers, processors or other purchasers of hens; requiring an annual permit of such dealers, processors and buyers of hens; refund rights of sellers of hens; and other administrative, enforcement and penalty provisions in connection with such a promotional program.

Also:

By Messrs. Bethea (M), Vacca, Slate, Fields, Bevill, Bailes, Bethea (B), Scurlock, Davis, Brown (Tuscaloosa), Salter and Stembridge:

H. 471. Providing special educational benefits for the legal children of Thomas Willard Ray, Leo F. Baker, Riley W. Shamburger, and Wade Carroll Gray, four citizens of the State of Alabama who were killed at the Bay of Pigs, Cuba.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 284 and 285 — to the Committee on Agriculture

H. B. 471 — to the Committee on Military

(The above numbered bill, H. B. 284, was read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Doggett:

H. 547. To provide for the compensation of jurors in Choctaw County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

STATE OF ALABAMA
COUNTY OF CHOCTAW

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide for the compensation of jurors in Choctaw County.

Be It Enacted by the Legislature of Alabama:

Section 1. Regular jurors, grand and petit, serving in Choctaw County, are entitled to ten dollars for each day's services, five cents for each mile traveled in going to and returning from court, and ferriage and toll, to be proved by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate, stating therein the number of days he has served, the number of miles he has traveled, the amount of ferriage and toll he has paid, and the amount of compensation to which he is entitled. The certificate shall be receivable in payment of county taxes, and other county dues, and payable out of the county treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CHOCTAW

Before me, the undersigned authority in and for said County in said State, this day personally appeared M. Hollis Curl, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor and Publisher of The Choctaw Advocate, a newspaper of general circulation published in Choctaw County, Alabama, and that the attached notice was published in said newspaper

once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 16, May 23, May 30, and June 7, all in the year 1963.

M. HOLLIS CURL

Sworn to and subscribed before me June 12, 1963.

JANICE W. BLOUNT,
Title Notary Public.

Also:

By Mr. Doggett:

H. 548. To regulate further the compensation and allowances of election officers in Choctaw County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

STATE OF ALABAMA COUNTY OF CHOCTAW

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To regulate further the compensation and allowance of election officers in Choctaw County.

Be It Enacted by the Legislature of Alabama:

Section 1. In Choctaw County the officers appointed to hold an election shall each be entitled to ten dollars a day; and the returning officer, in addition, shall be entitled to five cents a mile in going to the courthouse and returning to the place of holding the election. The several claims shall be paid as preferred claims, out of moneys in the county treasury not otherwise appropriated, on proper proof of service rendered.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CHOCTAW

Before me, the undersigned authority in and for said County in said State, this day personally appeared M. Hollis Curl, who, being by

me first duly sworn, deposes and says that during the times herein mentioned he was Editor and Publisher of The Choctaw Advocate, a newspaper of general circulation published in Choctaw County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 16, May 23, May 30, and June 7, all in the year 1963.

M. HOLLIS CURL,

Sworn to and subscribed before me June 12, 1963

JANICE W. BLOUNT,
Title Notary Public.

Also:

By Mr. Turner (Crenshaw):

H. 550. To amend further Act No. 132, H. 138, Second Special Session 1959 (Acts 1959, p. 382), an act providing for a law and equity court of Crenshaw County.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF CRENSHAW

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To amend further Act No. 132, H. 138, Second Special Session 1959 (Acts 1959, p. 382), an act providing for a law and equity court of Crenshaw County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 132, H. 138, Second Special Session 1959 (Acts 1959, p. 382), an act providing for a law and equity court of Crenshaw County, is hereby amended to read as follows:

"Section 3. At the general election in 1964, and every six years thereafter, a judge of the court shall be elected for a term of six years beginning on the first Monday after the second Tuesday in January next following his election. The judge of this court shall before entering upon the duties of the office take the oath prescribed by law to be taken by judges of the circuit courts in Alabama. The judge of the court shall be a qualified elector of the county, not less than twenty-five years of age, and shall be learned in the law, and licensed to practice law in this state. The judge shall not practice as an attorney in any case or matter pending or tried in his court or in any criminal case in any court of this state or of the United

States, but he shall not be disqualified from practicing law in any other cases, matters, and courts. He may be removed from office in the manner and for the causes now provided by law for the removal of circuit judges."

Section 2. Section 4 of said Act No. 132, Second Special Session 1959, as amended, is hereby amended further to read as follows:

"Section 4. (a) The clerk of the circuit court of the county shall be by virtue of his office clerk of the Law and Equity Court of Crenshaw County hereby established, and shall have the same powers and discharge the same duties as clerks of the circuit courts. He shall be subject to the same pains and penalties with regard to the duties of the office and shall be entitled to the same fees, commissions and emoluments as are now or as may hereafter be allowed to circuit clerks of Alabama, which shall be collected as such fees and commissions are collected in the circuit courts, except (1) in violations of traffic laws and rules of the road under the provisions of Code of Alabama 1940, Title 36, and amendments and additions thereto, the fees and commissions shall be the same as allowed by general law to a justice of peace trying such a case, and (2) in all other criminal cases heretofore triable before the county court, and justices of the peace courts, the clerk shall receive the same fees and commissions as clerks of the county courts.

"(b) A docketing fee of five dollars (\$5.00) shall be imposed in each case involving a violation of traffic laws or rules of the road docketed in the Law and Equity Court of Crenshaw County. Such docketing fees shall be collected in the same manner as other costs, and when collected shall be paid by the clerk of the court into the general fund of the county.

"(c) The clerk shall have the power to appoint a deputy clerk and delegate to him such authority as may be necessary to carry out the provisions of this Act. The clerk shall have authority to purchase at county expense such records, stationery, office supplies, and equipment as may be necessary to conduct the court's business. The clerk shall have power and authority:

(1) To administer oaths and take acknowledgments and affidavits; (2) To sign and issue all processes issuing out of the court, including warrants, affidavits, summonses, subpoenas, writs, executions, commitments, and releases; (3) To approve bonds in civil and criminal cases; (4) To enter all judgments, orders and decrees of the court; (5) To certify all appeals and transcripts; (6) To exercise all powers and authority which are now or may be hereafter conferred on clerks of the circuit courts."

Section 3. Section 5 of said Act No. 132, Second Special Session 1959, is hereby amended to read as follows:

"Section 5. The judge of the Law and Equity Court of Crenshaw County shall receive a salary of five thousand two hundred dollars (\$5,200) per annum, payable in equal monthly installments out of the county treasury."

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. However, the provision relative to the compensation shall not become operative until the expiration of the term of office of the incumbent in the office of judge of the Law and Equity Court of Crenshaw County.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CRENSHAW

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mary F. Reeder, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Editor of the Luverne Journal, a newspaper of general circulation published in Crenshaw County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 29, June 5, June 12, and June 19, all in the year 1963.

MARY F. REEDER,

Sworn to and subscribed before me June 19, 1963.

VONCILE R. NICHOLS,
Title Notary Public.

Also:

By Mr. Turner (Crenshaw):

H. 551. To regulate further teacher tenure and status in the public schools of Crenshaw County, granting the county board of education plenary and exclusive power relative to teacher tenure and status in the county, and repealing as to Crenshaw County inconsistent provisions of Code 1940, Title 52, Chapter 13, as amended or supplemented.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA CRENSHAW COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To regulate further teacher tenure and status in the public schools of Crenshaw County, granting the county board of education

plenary and exclusive power relative to teacher tenure and status in the county, and repealing as to Crenshaw County inconsistent provisions of Code 1940, Title 52, Chapter 13, as amended or supplemented.

Be It Enacted by the Legislature of Alabama:

Section 1. The county board of education of Crenshaw County is vested with plenary and exclusive power to employ, dismiss, discharge, remove or transfer principals, supervisors and teachers, and to regulate their tenure and status as it considers necessary or desirable to promote the best interest of the schools under its jurisdiction, the provisions of any general law on the subject to the contrary notwithstanding.

Section 2. The provisions of Chapter 13, Title 52, Code of Alabama 1940, as amended or supplemented, which are in conflict or inconsistent with this Act are, as to Crenshaw County, hereby expressly repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CRENSHAW

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mary F. Reeder, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Editor of the Luverne Journal, a newspaper of general circulation published in Crenshaw County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 29, June 5, June 12, and June 19, all in the year 1963.

MARY F. REEDER,

Sworn to and subscribed before me June 19, 1963.

VONCILE R. NICHOLS,
Title Notary Public.

Also:

By Mr. Turner (Crenshaw):

H. 553. Relating to Crenshaw County; amending further Act No. 502, H. 916, Regular Session 1947, (Local Acts 1947, p. 340) an act providing for the compensation of members of the court of county commissioners.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
CRENSHAW COUNTY

Notice is hereby given in accordance with the Constitution that application will be made for enactment of a local law in substance as follows:

To amend further Section 1 of Act No. 509, H. 916, Regular Session 1947 (Local Acts 1947, p. 340) which provides for the compensation of the members of the court of county commissioners of Crenshaw County by decreasing the expense allowance of said members and increasing their compensation.

AFFIDAVIT

PROOF OF PUBLICATION

STATE OF ALABAMA
CRENSHAW COUNTY

Before the undersigned Notary Public personally came Mary F. Reeder, who being duly sworn says upon oath that she is Publisher of a newspaper published at Luverne, Crenshaw County, Alabama, known as The Luverne Journal, and that the notice of publication, a true copy of which is hereto annexed, and being entitled:

LEGAL NOTICE, STATE OF ALABAMA, CRENSHAW COUNTY, Notice is hereby given in accordance with the Constitution that application will be made... was published in said newspaper once a week for 4 consecutive weeks, to-wit in the issues of said newspaper dated: May 29, June 5, June 12, and June 19, 1963.

MARY F. REEDER,

Sworn and subscribed to before me this 19 day of June, 1963.

VONCILE R. NICHOLS,

Notary Public.

My Commission Expires 3-8-65.

Also:

By Mr. Branyon:

H. 555. Relating to counties having populations of not less than 15,500 nor more than 16,300; vesting in the probate courts of such counties the civil jurisdiction of justice of the peace courts.

Also:

By Mr. Crawford:

H. 558. To provide for the compensation of county or deputy solicitors in counties having populations of not less than 15,000 nor more than 15,300.

Also:

By Mr. Daniel:

H. 566. Relating to counties having populations of not less than 27,000 nor more than 30,000; regulating the compensation of the county superintendent of education of such counties.

Also:

By Mr. Barnett:

H. 594. Relating to Perry County; to provide for the appointment and compensation of Clerks for the Tax Assessor and Tax Collector of Perry County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF PERRY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Perry County; to provide for the appointment and compensation of Clerks for the Tax Assessor and Tax Collector of Perry County Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax assessor and the tax collector of Perry County may each appoint a clerk to assist him in the performance of the duties of his office. Each clerk so appointed shall be entitled to receive a salary of \$50 a month payable from the general funds of the county. The clerk of the assessor and collector shall be employed and paid for the full twelve months of each calendar year.

Section 2. This Act shall take effect on the first day of the month next following the date of its enactment.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF PERRY

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. M. Wallace, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Marion Times-Standard, a newspaper of general circulation published in Perry County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 30, June 6, June 13, and June 20, all in the year 1963.

J. M. WALLACE,
Editor.

Sworn to and subscribed before me June 20, 1963.

ELIZABETH F. STEWART,
Title Notary Public, Perry Co., Ala.

Also:

By Mr. Sullivan:

H. 595. Relating to counties having populations of not less than 21,850 nor more than 21,950 according to the most recent federal decennial census; authorizing payment of expense allowances to members of the county governing body.

Also:

By Mr. Sullivan:

H. 596. To authorize and direct the county board of education in all counties having populations of not less than 21,850 nor more than 21,950, according to the most recent federal decennial census, to fix the salary and expense allowance of the county superintendent of education at amounts not less than the salaries and expenses paid to certain other employees of the board.

Also:

By Mr. Wood:

H. 600. To repeal Act No. 47, H. 70, Second Special Session 1963, relating to counties having populations of not less than 15,300 nor more than 15,400.

Also:

By Mr. Wood:

H. 601. To provide an expense allowance for members of the court of county commissioners, board of revenue, or other like governing body of all counties having populations of not less than 15,300 nor more than 15,400, according to the last or any subsequent federal decennial census; giving the Act limited retroactive effect.

Also:

By Messrs. Nabors, Owens and Burns:

H. 603. Relating to cities having populations of not less than 50,000 nor more than 60,000 according to the most recent federal decennial census, providing an expense allowance for the mayor and city commissioners of such cities.

By Mr. Mashburn:

H. 604. To alter or rearrange the boundary line of the City of Bay Minette, Baldwin County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
BALDWIN COUNTY

Notice is hereby given that application will be made to the Legislature of Alabama for the enactment of a local law, the substance of which is as follows:

A BILL
TO BE ENTITLED
AN ACT

To alter or rearrange the boundary line of the City of Bay Minette, Baldwin County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Ala.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Bay Minette, Baldwin County, Alabama, be and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Bay Minette, Alabama and in addition thereto the following described territory, to-wit:

Begin at the Southeast corner of Section 4, Township 2 South, Range 3 East and run West along the South line of the said Section 2640 feet, more or less, to the Southwest corner of the Southeast Quarter of said Section 4; run thence North along the West line of the said Southeast Quarter of said Section 4 a distance of 1320 feet, more or less, to the Northwest corner of the South Half of the said Southeast Quarter; run thence East and parallel with the South line of the said Section 4 a distance of 2640 ft., more or less, to the East line of the said Section 4; run thence South along the East line of the said Section 4 a distance of 1320 feet, more or less, to the point or place of beginning in Baldwin County, Alabama.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BALDWIN

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. H. Faulkner, Sr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Baldwin Times, a newspaper of general circulation published in Baldwin County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 16, May 23, May 30, and June 6, all in the year 1963.

J. H. FAULKNER, SR.

Sworn to and subscribed before me June 17, 1963.

DOROTHY MARTIN,
Title Notary Public.

Also:

By Messrs. Brown (Jefferson), Morrow, Perry, Meeks, Vacca, Dominick, Rast, Bowers, Hawkins, Gilmore, Bethea (M) and Sessions:

H. 559. To alter, rearrange and extend the boundaries of the City of Bessemer, Alabama, so as to include within the corporate limits thereof certain additional territory in Section 34, Township 18 South, Range 4 West, Jefferson County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given of the intention to apply to the Legislature of Alabama for passage of a law in substance as follows:

"A BILL
TO BE ENTITLED
AN ACT"

To alter, rearrange and extend the boundaries of the City of Bessemer, Alabama, so as to include within the corporate limits thereof certain additional territory lying within the following described boundaries, to-wit:

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Bessemer in Jefferson County, Alabama, be and the same are hereby altered, re-arranged and extended so as to include within the corporate limits of said city certain additional territory lying within the following described boundaries, to-wit:

Begin at the Northeast corner of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 17, Township 19 South, Range 4 West; thence run West along North line of said quarter-quarter section a distance of 87.88 feet; thence turn left an angle of 90° 00' a distance of 118.53 feet; turn right an angle of 34° 54' a distance of 436.7 feet; turn right an angle of 55° 06' and run West a distance of 885.30 feet for point of beginning; thence continue said course a distance of 782.06 feet; turn left an angle of 91° 57' a distance of 491.43 feet; turn left an angle of 87° 47' a distance of 782.06 feet; turn left an angle of 92° 13' a distance of 495.07 feet to point of beginning; being in S $\frac{1}{2}$ of S $\frac{1}{2}$ of Section 17, Township 19 South, Range 4 West, in Jefferson County, Alabama.

Section 2. That this Act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
JEFFERSON COUNTY.

Before me, the undersigned Notary Public in and for the State and County aforesaid, personally appeared: B. M. McElroy, who being

duly sworn, says on oath that he is Editor - Publisher of The Bessemer Advertiser, a newspaper published in the City of Bessemer, Jefferson County, Alabama, and that a legal notice was published for four weeks consecutively, in said newspaper, a copy of which notice is hereto attached and made a part of this affidavit, and that the dates on which same was published were: Dec. 21, 28, 1962 and Jan. 4, 11, 1963 and that the amount indicated hereon is a true and correct statement of the charges for publishing said notice.

Affiant further states that said newspaper is a newspaper having a general circulation in the county in which it is published, and that it has been mailed under second class mailing privilege for fifty-two (52) consecutive weeks prior to the publication of the foregoing advertisement.

B. M. McELROY,
Editor-Publisher.

Subscribed and sworn to before me this the 6 day of June, 1963.

W. E. MILLER,
Notary Public.

Also:

By Messrs. Morrow, Perry, Meeks, Vacca, Dominick, Rast, Bowers, Hawkins, Locke, Gilmore, Bethea (M), Brown (Jefferson) and Sessions:

H. 560. To alter and re-arrange the boundary lines of the City of Birmingham, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and all certain other territory in Jefferson County, Alabama, contiguous to said city.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given of intention to apply at the present special session or any future special or regular session of the Legislature of Alabama, for introduction and passage of a Bill the substance of which, as distinguished from details, is and will be the substance, as distinguished from details, of the following:

A BILL TO BE ENTITLED AN ACT

To alter and re-arrange the boundary lines of the City of Birmingham, Alabama, so as to include within the corporate limits of said city, all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said city.

Be It Enacted by the Legislature of Alabama:

Section 1. That, from and after the passage and approval of this act, the boundary lines of the City of Birmingham, Jefferson County,

Alabama, be and the same are altered and re-arranged, so as to include within the corporate limits of said city of Birmingham, Jefferson County, Alabama, in addition to the territory included within its present corporate limits, the territory lying and situated in Jefferson County, Alabama, contiguous to said city, more particularly described as follows:

The East one-half (E½) of the Northeast quarter (NE¼) of the Southeast quarter (SE¼) of Section 31, Township 16, South, Range 1 West.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. That this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County in said State, personally appeared Sara Wheeler, who, being by me first duly sworn, deposes and says that she is the Publisher of The Birmingham Messenger, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established on the 13th day of September, 1930, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of April 27; May 4, 11, 18, 1963, a legal notice, a copy of which is hereto attached.

SARA WHEELER,
Publisher.

Sworn and subscribed to on this the 20th day of May, 1963.

ANGIE CAMPISI,
Notary Public.

Also:

Ey Messrs. McDermott, Hogan, Rogers and Engel:

H. 578. To repeal Act No. 39, H. 67, Special Session, 1962 (Acts 1962, p. 50) entitled "An Act relating to cities having a population of not less than 200,000 nor more than 300,000, according to the last or any subsequent federal decennial census; providing for the appointment of an administrative assistant by the members of the city commission, council, or like governing body of any such city."

Also:

By Messrs. Engel, McDermott, Hogan and Edington:

H. 579. To amend further Section 706, Title 51, Code of Alabama (1940), as amended, by providing further for the transfer of ownership of motor vehicle license tags, and by prescribing further penalties.

Also:

By Mr. Baker (DeKalb):

H. 511. To authorize the Governing Body of DeKalb County Alabama to pay the sum of Two Thousand Five Hundred Dollars (\$2,500.00) to RICHARD SMITH ADKINS out of the General Fund of said County or out of such other funds as may be available for the payment of Deputy Sheriffs' salaries of DeKalb County, Alabama; as may be determined by the County Commission for medical expenses and other costs in connection with the injuries received by the said RICHARD SMITH ADKINS, while acting as Deputy Sheriff of DeKalb County, Alabama in the line of duty, in an automobile accident in DeKalb County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL ACT

Notice is hereby given that a local act will be introduced at the Regular Session of the Legislature of Alabama, and efforts made to secure its passage. The substance of said act is as follows, to-wit:

A BILL TO BE ENTITLED AN ACT

To authorize the Governing Body of DeKalb County Alabama to pay the sum of Two Thousand Five Hundred Dollars (\$2,500.00) to RICHARD SMITH ADKINS out of the General Fund of said County or out of such other funds as may be available for the payment of Deputy Sheriffs' salaries of DeKalb County, Alabama; as may be determined by the County Commission for medical expenses and other costs in connection with the injuries received by the said RICHARD SMITH ADKINS, while acting as Deputy Sheriff of DeKalb County, Alabama in the line of duty, in an automobile accident in DeKalb County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Governing body of DeKalb County, Alabama is hereby authorized to pay to Richard Smith Adkins, the sum of \$2,500.00 out of the General Fund or such other funds as may be available out of which the payments of Deputy Sheriffs' Salaries may be payable of DeKalb County, Alabama, to reimburse the said Richard Smith Adkins for medical expenses and other costs expended by him in connection with injuries received by him while he was on active duty as a Deputy Sheriff of DeKalb County, Alabama, which said injuries having been received as the result of an automobile accident in DeKalb County.

Section 2. The Treasurer of DeKalb County, Alabama or such other lawful officer entitled to draw checks or warrants on the County Treasury of DeKalb County, Alabama, is authorized to pay to the said Richard Smith Adkins \$2,500.00 in a lump sum as provided in this Act.

Section 3. This Act shall be effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

STATE OF ALABAMA
DEKALB COUNTY

Before me, Maude C. Davidson, a Notary Public in and for the State of Alabama at large, personally appeared Bruce Thomas, who being by me first duly sworn, deposes and says: That he is general manager of the Times-Journal which, during the times herein mentioned, was a newspaper of general circulation published in DeKalb County, Alabama, and that the foregoing notice was published without cost to the State of Alabama, in said newspaper in the issues thereof, published successively, on May 16, May 23, May 30, and June 6, 1963.

BRUCE THOMAS.

Sworn to and subscribed before me this the 17th day of June, A. D., 1963.

MAUDE C. DAVIDSON,
Notary Public.

My Commission Expires May 10, 1967.

Also:

By Mr. Salter:

H. 536. Relating to counties having populations of not less than 17,400 nor more than 17,800; fixing the compensation of election officers in such counties.

Also:

By Mr. Cornett:

H. 295. To provide for conditional release of county prisoners; repealing conflicting laws.

Also:

By Mr. Collins:

H. 278. To provide for refunds of taxes, licenses, or other charges paid to the superintendent of insurance through mistake.

Also:

By Mr. Collins:

H. 279. Authorizing the superintendent of the state department of insurance, when acting as agent or attorney for certain insurance companies, to collect a fee for accepting the service of legal process.

Also:

By Messrs. Pierce, Nabors, Burnham and Goodwyn:

H. 419. To amend Act No. 422, H. 325, Regular Session 1951, which is known as "The Alabama Real Estate License Law of 1951," and Act No. 513, Regular Session 1953.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 547, 548, 550, 551, 553, 555, 558, 566, 594, 595, 596, 600, 601, 603, 604, 559, 560, 578, 511 and 536 — to the Committee on Local Legislation

H. B. 579 — to the Committee on Commerce and Common Carriers

H. B. 295 — to the Committee on Public Welfare and Correctional Institutions

H. B.'s 278 and 279 — to the Committee on Insurance

H. B. 419 — to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Wood:

H. 340. To amend further Code of Alabama 1940, Title 8, Section 204, which relates to burning woods, brush, grass and like inflammable objects, so as to prescribe further the penalties for certain violations.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 340 — to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Carr, Wood, Hannah, Moore, Hawkins, Cates, Meade, Fields, Powell, Young, Drake, Scurlock, Bevell, Boston, Edwards (Escambia), Meeks, Daniel, Casey, Branyon, Heflin, Downing, Crawford, Glass, McCorquodale, Turner (Crenshaw), Stembridge, Holladay, Sullivan, Mashburn, and Doggett:

H. 130. To provide further for water pollution control, establishing a new water improvement commission and prescribing its jurisdiction, powers and duties, providing for enforcement of the Act

and rules, regulations, and orders of the commission, prescribing penalties and repealing Act No. 523, Regular Session 1947 (Gen. Acts 1947, p. 379) as amended.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 130 — to the Committee on Mining and Manufacturing

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Bevill:

H. 433. To amend Section 154, Title 41, Code of Alabama 1940, as last amended.

Also:

By Messrs. Bevill, Drake, Scurlock, Casey, Salter, Cook, Carr and Avery:

H. 401. Relating to taxation: To exempt certain ingredients used in mixing and preparing feeds for livestock and poultry from the State Sales and Use Taxes.

Also:

By Messrs. Bevill and Scurlock:

H. 504. To adopt the Interstate Compact On Juveniles, to authorize the Governor to execute the Compact with other states; to designate the Commissioner, State Department of Pensions and Security, as Compact Administrator and to empower him to make supplementary agreements and arrangements for cooperative services on the Compact.

Also:

By Messrs. Bevill and Goodwyn:

H. 207. To amend Section 2 of Act No. 415, S. 280, Regular Session 1959, (Acts 1959, p. 1102) relating to service of process in civil suits on certain persons who have absented themselves from the state; prescribing the fee to be charged by the secretary of state for services performed in connection therewith.

Also:

By Messrs. Bevill and Goodwyn:

H. 209. To further amend Code of Alabama 1940, Title 7, Sections 192, 193, and 199 relating to process and notice to non-residents

and unknown parties, to prescribe the fee to be charged by the Secretary of State for services performed in connection therewith.

Also:

By Messrs. Bevill, Merrill, Goodwyn, Drake and Campbell (Jackson):

H. 210. To repeal Sections 21 and 22 of Title 13, Code of Alabama 1940.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 433 and 401 — to the Committee on Finance and Taxation

H. B. 504 — to the Committee on Public Welfare and Correctional Institutions

H. B.'s 207, 209 and 210 — to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Fite, Jones (Monroe), Pierce, McCorquodale, Daniel, Wood, Nettles and Perry:

H. J. R. 78. WHEREAS, it is the innate right of every individual to have a freedom of choice as to those persons with whom he will associate, and also a freedom of choice as to those with whom he does not not desire to associate; and

WHEREAS, the free and independent citizens of the several States of The United States should, pursuant to their aforesaid innate rights, have a right to select guests, patrons, tenants and persons who visit, use, become a member of, or occupy their homes, churches, schools, lodges, property and place of public accommodation without restriction or abridgement by the Federal Government; and

WHEREAS, because of certain opinions and decisions of the United States Supreme Court and certain administrative rulings by the Executive Branch of the Federal Government, it is desirable, if not imperative, that the United States Constitution be amended in order to preserve our freedoms of choice through re-vitalization of our individual and States rights:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the Legislature of the State of Alabama, pursuant to the rights of the sovereign States of the United

States of America and pursuant to Article V of the Constitution of the United States of America, hereby makes application to the Congress of the United States to call a convention for proposing an amendment to the Constitution of the United States as authorized in and by said Article V of the Constitution, said amendment being in words and figures as follows:

PROPOSED AMENDMENT

"Section 1. This amendment shall be known as 'The Freedom of Choice Amendment.'

Section 2. PLACES OF PUBLIC ACCOMMODATION. The right of the owners and operators of all kind and description, their agents, servants and employees, of all hotels, restaurants, inns, cafes, bars, ice cream parlors, soft drink stands, motels, apartment houses, trailer camps, cemeteries, dance halls, skating rinks, bath houses, barber shops, beauty shops and other privately owned places of public accommodation or amusement, to choose their own guests, patrons and tenants, shall not be abridged.

Section 3. EMPLOYMENT. The right of every citizen to employ or not to employ other persons, of his own free discretion, shall not be abridged. Nothing in this section shall be construed to impair the right of organized labor to contract or bargain collectively.

Section 4. PRIVATE CLUBS AND ASSOCIATIONS. The right of churches, lodges, fraternities, sororities, private clubs and all other privately owned and operated institutions and associations, to choose their own guests, patrons and members, shall not be abridged.

Section 5. NEIGHBORHOODS. The rights of owners of land to contract with other owners of land, either individually, or through associations, for the use and occupancy of privately owned lands in the same neighborhood, shall not be abridged; provided that no owner of land shall be compelled to join in any such contract or become a member of any neighborhood association, and, provided, further, that the right and freedom of such contracting owners to give written consent by a majority vote shall not be restricted or abridged by law or contract so as to prevent the giving of such consent to any person solely because of said person's race, color, creed or nationality. The term 'neighborhood' shall mean whatever area the contracting parties may designate.

Section 6. SCHOOLS. Control of educational policies, administration, and all matters pertaining thereto shall be exercised exclusively by the several states to the extent granted by the people thereof.

Section 7. INTRA-STATE AGENCIES. Rules and regulations pertaining to intra-state transportation, and all other intra-state public agencies, shall be exercised exclusively by the states."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 78, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Wood, Downing, Edwards (Lowndes), Mashburn and Edwards (Escambia):

H. J. R. 79. Providing for a temporary commission for the study of Alabama's water resources, factors affecting water quality, and quantitative use of same, said Commission to be known as the Water Resources Study Commission.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING:

1. There may be created a temporary commission to be known as the Water Resources Study Commission, which Commission shall consist of 18 members as follows: The Commissioner of Agriculture and Industry, who shall serve as Temporary Chairman; the Director of the State Planning and Industrial Development Board; the State Health Officer; the State Geologist; the Director of the State Docks; the Dean of the School of Agriculture of Auburn University; the Director of the State Department of Conservation; one member representing municipal government; one member representing county government; one member representing wildlife; five members representing respectively the following five industries: Forest Products and Pulp and Paper, Metals, Petroleum and Mining, Chemicals, Textiles, Electric Power; three members representing agriculture in the following three categories: livestock, general farming, and soil conservation. The seven ex-officio members shall hold office by virtue of their offices. The remaining 11 members of the Commission shall be appointed by the Governor as herein prescribed. The member representing municipal government shall be appointed by the Governor from three nominees submitted by the Alabama League of Municipalities; the member representing county government shall be appointed by the Governor from three nominees submitted by the Association of County Commissioners of Alabama; the member representing wildlife shall be appointed by the Governor from three nominees submitted by the Alabama Wildlife Federation; the member representing Forest Products and Pulp and Paper industries shall be appointed by the Governor from three nominees submitted by the Alabama Forest Products Association; the member representing the Metals, Petroleum, and Mining industry shall be appointed by the Governor from three nominees submitted by the Alabama Mining Institute; the member representing the Chemical industry shall be appointed by the Governor from three nominees submitted by the Alabama State Chamber of Commerce; the member representing the Textile industry shall be appointed by the Governor from three nominees submitted by the Alabama Textile Manufacturers Association; the member representing the Electric Power industry shall be appointed by the Governor from three nominees submitted by the Associated Industries of Alabama; and the Governor shall appoint one member representing each of the following categories in agriculture: Livestock, from three nominees

submitted by the Alabama Farm Bureau Federation, and general farming, from three nominees submitted by the Alabama Farm Bureau Federation; the member representing soil conservation shall be appointed by the Governor from three nominees submitted by the Alabama Association of Soil Conservation District Supervisors. Any vacancies which may occur on said Commission due to death or resignation shall be filled in the manner as above prescribed for making the original appointments. All other appointees shall hold office until the dissolution of this Commission as hereinafter prescribed.

2. The Commission shall at its first meeting, which shall be held upon the call of its Temporary Chairman, elect a Permanent Chairman and Vice Chairman. Vacancies in the positions of Chairman and Vice Chairman shall be filled by a majority vote of the Commission. The Commission shall establish such committees and procedures as the Commission deems necessary and expedient to its water study. The Commission shall further prescribe the dates for regular meetings of the Commission, which regular meetings shall be held not less than once each three months. The Permanent Chairman shall appoint the members of such committees as are deemed necessary. He shall have the authority to call special meetings of committees or the entire Commission as he deems necessary.

3. The members of the Commission shall receive no salary or compensation as members of such Commission.

4. The Commission shall study the State's existing water situation and appraise the probable future situation as to water quality and quantitative use and control and shall compile a report of its findings and recommendations to be submitted to the Legislature, which report shall include a recommended basic water policy which will best meet Alabama's future water needs. The Commission shall in the course of its work make use of such technical, legal, or other specialized personnel as may be available in the several interested State Departments, educational institutions and Federal agencies. The Commission shall also be authorized to receive, accept and expend any funds that may be available and allocated to it by the Federal government for the purpose of carrying out the work of the Commission. Agreements may also be entered into by the Commission with state agencies, other states of the United States and agencies, departments or instrumentalities of the Federal government in the event it is determined by the Commission that joint action with another state or the Federal government will enable it to more effectively perform its duties as authorized under the provisions of this resolution.

5. The study commission shall be authorized to make interim reports to any state agency affected by the work of this Commission or to the Governor of Alabama at any time deemed expedient by a majority of the Commission.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 79, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Robison (Montgomery), further consideration of the Bill, S. B. 215, was indefinitely postponed by the Senate.

RESOLUTION

Mr. McDow offered the following Senate Resolution, to-wit:

S. R. 22. WHEREAS, the Lights on for Safety program sponsored jointly by the State Department of Public Safety and the Alabama Trucking Association as a constant reminder for motorists to practice safe driving has proven a powerful influence to that end with thousands of trucks, cars and buses throughout the state participating in the project; and

WHEREAS, Alabama motorists will again be asked to participate in the third year of the program which will begin at 4:00 p. m. Wednesday, July 3rd and continue throughout the 4th of July holiday period concluding at 6:00 p. m. on Sunday, July 7th; now therefore

BE IT RESOLVED BY THE SENATE OF ALABAMA, That we commend the Alabama Department of Public Safety and the Alabama Truckers Association for their public spirited sponsorship of this fine program and that we urge the motorists of the state to join in this worthy endeavor to the end that this 4th of July holiday period may be the safest in the history of this program.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Public Safety Director Al Lingo and to Terry A. Cross, Mobile, Alabama, President of the Alabama Trucking Association.

On motion of Mr. McDow, the Rules were suspended and the Resolution was adopted by the Senate.

FURTHER CONSIDERATION OF S. R. 21

The Senate proceeded to further consideration of the Resolution:

S. R. 21. — Setting special orders.

The question was on the substitute for the Resolution offered by Mr. Nichols.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Fite:

H. J. R. 80. Be it resolved by the House the Senate concurring that when the two Houses adjourn today they adjourn to meet again on July 9, 1963.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 80, set out in the foregoing Message from the House, was read.

Mr. Cooper moved that further consideration of the Resolution be postponed until 4:25 P. M. today.

Mr. Tyson moved as a substitute motion that further consideration of the Resolution be postponed until 3:25 P. M. today, which motion was lost.

The question recurred on the motion by Mr. Cooper, which was adopted, and further consideration of the Resolution was postponed until 4:25 P. M. today.

Yeas 21; Nays 9.

Yeas:

Messrs.	Clark	McDow	Reynolds
Adams	Cooper	Metcalf	Robison (Pickens)
Allen	Givhan	Montgomery	Shelton
Bentley	James	Nichols	Taylor
Brannon	Lolley	Oden	Wilson
Carter	Mathews		

—21

Nays:

Messrs.	Gilchrist	McCain	Robison (Montgomery)
Dumas	Hawkins	Roberts	Tyson
Eddins	Hornsby		

—9

FURTHER CONSIDERATION OF S. R. 21

The Senate proceeded to further consideration of the Resolution:

S. R. 21. — Setting special orders.

The question was on the substitute for the Resolution offered by Mr. Nichols.

FURTHER CONSIDERATION OF H. J. R. 80

The hour of 4:25 P. M. having arrived, the Senate proceeded to further consideration of the Resolution:

H. J. R. 80. — Relative to adjournment of the two Houses until July 9, 1963.

Mr. Cooper moved that further consideration of the Resolution be postponed until 11 P. M. tonight.

Mr. Gilchrist moved that the Senate now adjourn until July 9, 1963 at 12 o'clock Noon.

Mr. Robison (Montgomery) moved that the Resolution, H. J. R. 80, be amended that no member of the Senate receive any pay or expenses from 6/28/63 - 7/8/63 inclusive, which said amendment was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.	Dumas	Lolley	Reynolds
Adams	Eddins	Lowe	Roberts
Bentley	Gilchrist	Mathews	Robison (Montgomery)
Brannon	Givhan	McCain	Robison (Pickens)
Carter	Hawkins	McDow	Taylor
Clark	Hornsby	Metcalf	Tyson
Cooper	James	Montgomery	Wilson

—27

Nays:

—0

The question recurred on the motion by Mr. Gilchrist that the Senate now adjourn until July 9, 1963 at 12 o'clock Noon, which motion was lost.

Yeas 10; Nays 17.

Yeas:

Messrs.	Eddins	Hornsby	Robison (Montgomery)
Bentley	Gilchrist	McCain	Tyson
Dumas	Hawkins	Roberts	

—10

Nays:

Messrs.	Cooper	Mathews	Reynolds
Adams	Givhan	McDow	Robison (Pickens)
Brannon	James	Metcalf	Taylor
Carter	Lolley	Montgomery	Wilson
Clark	Lowe		

—17

The question recurred on the motion of Mr. Cooper that further consideration of the Resolution, H. J. R. 80, be postponed until 11 P. M. tonight, which was adopted, and further consideration of said Resolution, H. J. R. 80, as amended, was postponed until 11 o'clock tonight.

June 27, 1963

Hon. Ruben K. King, Commissioner
Pensions and Security Department
Capitol

Dear Mr. King:

Re: Appointment to Committee on the Aging provided by Act No. 554 of the 1957 Legislature

Under the provisions of Act No. 554 of the 1957 Legislature of Alabama the Lieutenant Governor of Alabama is authorized to name two members of the Senate to work with the department in the field of assistance to our aging citizens.

Under the provisions of this Act, I do hereby appoint as such Senate members the following:

1. Hon. Neil Metcalf, the Senator from Geneva
2. Hon. H. B. Taylor, the Senator from Butler

A copy of this letter is going to Hon. J. E. Speight, Secretary of the State Senate, with the request that he spread this letter on the Senate Journal as a matter of record.

Respectfully submitted,

JAMES B. ALLEN,
Lieutenant Governor.

COMMUNICATION FROM THE LIEUTENANT GOVERNOR

The foregoing Communication from Honorable James B. Allen, Lieutenant Governor, relative to the Committee on the Aging, was read and ordered spread upon the Journal.

FURTHER CONSIDERATION OF S. R. 21

The Senate proceeded to further consideration of the Resolution:

S. R. 21. — Setting special orders.

The question was on the substitute for the Resolution offered by Mr. Nichols.

FURTHER CONSIDERATION OF H. J. R. 80

The hour of 11 o'clock P. M. having arrived, the Senate proceeded to further consideration of the Resolution:

H. J. R. 80. — Relative to adjournment of the two Houses until July 9, 1963.

as amended.

Mr. Nichols moved that further consideration of the Resolution, as amended, be postponed until 11:45 o'clock tonight, which was adopted.

MOTION IN WRITING

Mr. Clark offered the following Motion in Writing, to-wit:

"I move that when the Senate adjourns today it adjourn to meet at 12:01 A. M. on Friday, June 28, 1963.

CLARK"

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Mr. Adams, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Motion in Writing and ordered same returned to the Senate with a favorable report, to-wit:

Relative to adjournment of the Senate to meet at 12:01 A. M. on Friday, June 28, 1963.

And said Motion in writing was then adopted by the Senate.

Yeas 18; Nays 8.

Yeas:

Messrs.	Cooper	Lowe	Nichols	
Adams	Eddins	Mathews	Reynolds	
Bentley	Gilchrist	McDow	Taylor	
Carter	Givhan	Metcalf	Wilson	
Clark	Lolley	Montgomery		—18

Nays:

Messrs.	Hornsby	Oden	Robison (Montgomery)	
Dumas	McCain	Roberts	Tyson	
Hawkins				—8

FURTHER CONSIDERATION OF S. R. 21

The Senate proceeded to further consideration of the Resolution:

S. R. 21. — Setting special orders.

The question was on the substitute offered by Mr. Nichols for the Resolution, and said substitute was then adopted.

And the Resolution, S. R. 21, as thus amended by the substitute was then adopted by the Senate.

SPECIAL ORDERS

BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount and continuing order of business for today, the first of which was the Bill:

H. 182. To amend further Code of Alabama 1940, Title 36, Sections 60 and 61, in relation to the amount of the license payable by motor vehicle operators.

On motion of Mr. Tyson, further consideration of the Bill, H. B. 182, was postponed until the next Legislative Day.

The Bill:

H. 288. To make an appropriation from the state treasury to the use of the Department of Public Safety for emergency purposes.

was taken up.

Mr. Nichols offered the following substitute for the Bill, H. B. 288, to-wit:

SUBSTITUTE FOR H. B. 288

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation from the State Treasury to the use of the Department of Public Safety and Conservation and the Alcoholic Beverage Control Board.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of Two Hundred Fifty Thousand Dollars (\$250,000), or so much thereof as may be necessary, is hereby appropriated from any funds in the State Treasury not otherwise appropriated to the use of the Department of Public Safety and Conservation and the Alcoholic Beverage Control Board for the payment of any expenses incurred by said agencies during any emergency situation. The appropriation as herein made shall be paid out to such agencies only on orders of the governor and no part thereof shall be used for the payment of salaries.

Section 2. The appropriation made in this Act is in addition to all other appropriations heretofore made and it is provided that the personnel of the Department of Public Safety that were assigned on special detail in Birmingham, Alabama, receive their per diem and expense allowance for the period so assigned after allowance of expenses already paid on behalf of each of them by the State. It shall not lapse at the end of the fiscal year but shall continue in effect as long as any part thereof remains unexpended.

Section 3. This Act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 26, Nays 0.

Yeas:

Messrs.	Eddins	Mathews	Reynolds
Adams	Gilchrist	McCain	Roberts
Bentley	Givhan	McDow	Robison (Montgomery)
Carter	Hawkins	Metcalf	Taylor
Clark	Hornsby	Montgomery	Tyson
Cooper	Lolley	Nichols	Wilson
Dumas	Lowe	Oden	

—26

Nays:

—0

And said Bill, H. B. 288, as thus amended by the substitute, was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.	Carter	Dumas	Givhan
Adams	Clark	Eddins	Hawkins
Bentley	Cooper	Gilchrist	Hornsby

Lolley	McDow	Oden	Taylor	
Lowe	Metcalf	Reynolds	Tyson	
Mathews	Montgomery	Roberts	Wilson	
McCain	Nichols	Robison (Montgomery)		—26

Nays:

—0

MOTION TO RECONSIDER LOST

Mr. Gilchrist moved that the Senate reconsider the vote by which it adopted the motion that when the Senate adjourns today it adjourn to meet again at 12:01 A. M. Friday, June 28, 1963, and the motion to reconsider was lost.

Yeas 10; Nays 15.

Yeas:

Messrs.	Eddins	Hornsby	Robison (Montgomery)	
Bentley	Gilchrist	McCain	Tyson	
Dumas	Hawkins	Roberts		—10

Nays:

Messrs.	Givhan	McDow	Oden	
Adams	Lolley	Metcalf	Reynolds	
Clark	Lowe	Montgomery	Taylor	
Cooper	Mathews	Nichols	Wilson	—15

ADJOURNMENT

The hour of 12:00 o'clock Midnight having arrived, the President and Presiding Officer of the Senate declared the Senate adjourned, pending further consideration of H. J. R. 80, and in accordance with motion heretofore adopted by the Senate, to meet again tomorrow, Friday, June 28, 1963 at 12:01 A. M.

NINETEENTH LEGISLATIVE DAY

FRIDAY, JUNE 28, 1963

The Senate met pursuant to adjournment, Lieutenant Governor Allen presiding.

PRAYER

The Session was opened with prayer by Honorable J. T. McDow, 15th Senatorial District.

ROLL CALL

Present:

Messrs.	Adams	Bentley	Carter
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Clark	Hawkins	McDow	Roberts
Cooper	Hornsby	Metcalf	Robison (Montgomery)
Dumas	Lolley	Montgomery	Taylor
Eddins	Lowe	Nichols	Tyson
Gilchrist	Mathews	Oden	Wilson
Givhan	McCain	Reynolds	

—26

JOURNAL

On motion of Mr. Nichols, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

WILLIAM C. MCCAIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. McCain, the foregoing report was concurred in and the Journal of the Senate for the Eighteenth Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. McCain, leave of absence was granted Messrs. Allen, Brannan, Hammond, Horton, James, Robison (Pickens), Shelton, and Smith for today.

UNFINISHED BUSINESS

The Senate proceeded to consideration of the unfinished business of yesterday, which was the Resolution:

H. J. R. 80. Relative to the adjournment of the two Houses until July 9, 1963.

as amended.

Mr. Nichols offered the following substitute for the Resolution, H. J. R. 80, to-wit:

SUBT. FOR H. J. R. 80

Be it resolved by the House, the Senate concurring, That on adjournment the two houses convene again on Tuesday, July 9 and

that for the period from June 29th to July 8, both dates inclusive, the members of the Legislature serve without Legislative pay and allowances.

Mr. Mathews moved that further consideration of the Resolution, H. J. R. 80, and pending substitute, be postponed until 6 A. M. today.

Mr. Hornsby moved that the motion to postpone be laid on the table, and the motion to table was lost.

Yeas 10; Nays 15.

Yeas:

Messrs.	Gilchrist	McCain	Robison (Montgomery)
Bentley	Hawkins	Nichols	Tyson
Dumas	Hornsby	Roberts	—10

Nays:

Messrs.	Cooper	Mathews	Oden
Adams	Givhan	McDow	Reynolds
Carter	Lolley	Metcalf	Taylor
Clark	Lowe	Montgomery	Wilson
			—15

The question recurred on the motion by Mr. Mathews, which was adopted, and further consideration of the Resolution, H. J. R. 80, and pending substitute, was postponed until 6 A. M. today.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 89. To regulate the compensation and allowances of members of the board of education of Marshall County and provide for the payment thereof.

Also:

S. 110. Relating to counties having populations of not less than 24,800 nor more than 25,400; to regulate the compensation of the superintendent of education of such counties.

Also:

S. 119. To amend Section 2 of Act No. 114, H. 159, Special Session 1962, providing for compensation and expense allowances for members of the county board of education of counties of not less than 46,600 nor more than 49,050 population, so as to fix the mileage allowance for authorized travel of members at eight cents per mile.

CHARLES A. MONTGOMERY,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

CHARLES A. MONTGOMERY,
Chairman.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. McCain, Metcalf, Tyson, Hawkins, Dumas and Robison (Montgomery):

S. 268. To provide for and authorize the introduction in evidence in any court in Alabama, when relevant and material, certified copies of hospital records of any hospital organized or operated under or pursuant to the laws of Alabama, including records of admission, medical, clinical, hospital, occupational, disease, injury and disability histories, X-Rays and written interpretations thereof, pictures, photographs, files, written orders, directions, findings and reports of physicians, doctors, surgeons, pathologists, radiologists, specialists, dentists, technicians and nurses, as well as employees of such hospital, forming a part of such hospital records, as to the health, physical and mental condition, state, sickness, disease, mental and physical disorders, damages, duration and character of disabilities, diagnosis, prognosis, progress, operations, incisions, injuries, wounds, cuts, lacerations, bruises, breaks, examinations, tests, transfusions, hospitalization and duration thereof, medication, medicines, treatment and care and charge sheets and the costs, expenses, fees and charges therefor and thereof, as to and of a patient in said hospital, when the custodian of such hospital records certifies and affirms in writing that the same are an exact, full, true and correct copy of such hospital records; with the proviso that all circumstances of the making of such hospital records, including lack of personal knowledge by the entrant or maker, may be otherwise shown to affect the weight of such hospital records but they shall not affect their admissibility; and to provide for the filing of said copy with the Clerk or Register of the Court having jurisdiction of the suit or proceeding, and to provide for subpoena duces tecum therefor.

Committee on Judiciary.

By Messrs. Tyson, Metcalf, Roberts, Hammond, Allen and Carter:

S. 269. To provide for and require reidentification of the registered electors of all counties in Alabama which have not conducted a reidentification of voters since January 1, 1953; imposing duties upon boards of registrars and other county officers, and upon the electors whose names appear on the lists of qualified voters.

Committee on Privileges and Elections.

REPORTS OF COMMITTEES

Mr. Taylor, Vice Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Dumas:

S. 200. To propose an amendment to the Constitution of Alabama to authorize the State to become indebted and issue its general obligation bonds in a principal amount not exceeding \$200,000 for the purpose of financing the construction, reconstruction, alteration and improvement of school facilities, including the construction and equipment of a gymnasium, for the Alabama Boys Industrial School.

The above bill was read a second time at length as required by the Constitution.

By Mr. Dumas:

S. 21. To propose an amendment to the Constitution of Alabama to require the Supreme Court of Alabama to review any apportionment of representatives among the counties and any division of the State into senatorial districts which shall be made by the Legislature and to make such apportionment and division in the event that the Legislature fails to do so.

The above bill was read a second time at length as required by the Constitution.

By Mr. Horton:

S. 108. To propose an amendment to the Constitution of Alabama authorizing the Legislature to provide for promotion of production, distribution, marketing, use, improvement and sale of poultry and poultry products.

The above bill was read a second time at length as required by the Constitution.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Lolley and Clark:

S. 211. To fix the salary of the State Commissioner of Revenue.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Goodwyn, Fite, Jones (Covington) and Turner (Crenshaw)
(With Amendment):

H. 93. To provide for and regulate salaries payable to certain state officers and employees in state service, further amending Code of Alabama 1940, Title 41, Section 152, and repealing laws in conflict herewith.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Wilson, Givhan, Nichols, Clark, Cooper, Shelton, James and Lolley:

S. 222. Relating to taxation: To exempt certain ingredients used in mixing and preparing feeds for livestock and poultry from the State Sales and Use Taxes.

By Mr. Hogan et al:

H. 187. Declaring the School of Nursing of Mobile General Hospital, Mobile County, to be an integral part of the overall state educational program, and to make appropriations for such school.

By Mr. Hogan et al:

H. 188. Declaring the Intern and Resident Training Program of Mobile General Hospital, Mobile County, to be an integral part of the overall State educational program, and to make appropriations for such school.

By Mr. Rogers et al:

H. 418. To make an appropriation to the use of the secretary of state to pay the cost of redesigning the great seal of the state in compliance with a directive of the Legislature.

By Mr. Thomas et al:

H. 123. To amend further Code 1940, Title 51, Section 2, relating to persons and property exempt from ad valorem taxation.

By Messrs. Turner (Crenshaw) and Thomas:

H. 349. To amend Section 2, subsection G (2) (d) 2 of Act No. 34, Special Session 1961, which makes appropriation to the Agricultural Center Board for the Livestock Coliseum.

Mr. Hawkins, Chairman of the Standing Committee on Banking, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Clark, Brannan, Nichols, Carter, Hornsby, Oden and Lolley (With Substitute):

S. 209. To provide equality and prevent inequality in the levy and collection of taxes applicable to or paid by Banks and Savings and Loan Associations doing business in the State of Alabama amending Section 619 (1) Title 51, Code of Alabama, 1940 as amended.

Mr. Hawkins, Chairman of the Standing Committee on Banking, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Roberts:

S. 173. To amend Section 16½ of Act No. 374, H. 102, Regular Session 1959 (Acts 1959, p. 966) the Alabama Small Loan Act, so as to provide further penalties for the charging of usurious interest on certain contracts.

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Tyson:

S. 246. Proposing a constitutional amendment relating to the City of Bayou La Batre in Mobile County.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Adams:

S. 255. To fix and regulate the payment of the compensation and expenses of members of the county board of education of every county which has a population of not less than 50,000 nor more than 54,000.

By Mr. Roberts (With Notice and Proof):

S. 258. For the relief of W. O. Cobb of Madison County; authorizing the board of county commissioners, board of revenue, and other like governing body of Madison County to make an appropriation of county funds to compensate W. O. Cobb for certain damages.

By Mr. Roberts (With Notice and Proof):

S. 259. For the relief of H. E. McBride of Madison County; authorizing the board of county commissioners, board of revenue, or other like governing body of Madison County to appropriate county funds for such purpose.

By Mr. Roberts (With Notice and Proof):

S. 260. For the relief of Sammy White of Madison County; authorizing the board of county commissioners, board of revenue, or other like governing body of Madison County to make an appropriation of county funds to compensate Sammy White for certain damages.

By Mr. Hammond (With Notice and Proof):

S. 261. To amend Section 5 of Act No. 31, H. 256, Regular Session 1957 (Acts 1957, v. 1, p. 77), the act providing that the state highway department shall construct, maintain, and repair the roads and bridges of DeKalb County, in relation to the hours of work and pay of personnel employed in road and bridge work in the county.

By Mr. Adams (With Notice and Proof):

S. 262. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Gordon, Houston County, Alabama.

By Messrs. Baker (Madison), Reynolds and Pennington (With Notice and Proof):

H. 387. Relating to Madison County; authorizing the sheriff to appoint deputies as needed, whose compensation may be paid by the county; repealing conflicting laws.

By Mr. Hogan et al:

H. 404. Relating to counties having populations of not less than 300,000 nor more than 500,000; to provide further for fixing valuations of real property for ad valorem taxation.

By Mr. Engel et al (With Notice and Proof):

H. 448. To apply in Mobile County, Alabama, and requiring the payment to Mobile County by payment to the License Commissioner of Mobile County; in addition to all other licenses and taxes required by law, save as specifically in this Act excepted; of a license tax equal to four cents on each twelve fluid ounces, or fractional part thereof, of malt or brewed beverages sold, distributed, delivered, or taken out of storage, within such County; to provide for the payment of such license tax and to provide the machinery for the collection thereof and the operation of this Act; and to provide for the distribution of the proceeds of such license tax; and to provide for the enforcement of this Act, and prescribe penalties and fix punishment for the violation of any of the provisions of this Act; and to provide for the confiscation and destruction of malt or brewed beverages and their containers when distributed, offered for sale, or possessed by a retail dealer, which do not have affixed a decal or other device indicating the payment of the license tax levied by this Act; and to repeal Act No. 415 of the Acts of the Legislature of Alabama of 1947, published in the local Acts of Alabama of 1947 at pages 265-270; as amended by Act No. 622 of Acts of the Legislature of Alabama of 1951, published in the Acts of 1951 at pp. 1074-1076; and to declare ineffective, determined and at an end, all ordinances, presently existing, of any and all municipal corporations in the said County of Mobile levying and providing for the collection of a license tax on malt or brewed beverages.

By Mr. Edwards (Lowndes):

H. 493. Relating to counties having populations of not less than 15,400 nor more than 16,000; fixing the compensation of the county or deputy solicitor in such counties.

By Messrs. Pierce, Goodwyn, Goldthwaite and Little:

H. 502. To provide additional compensation or salary for the official court reporters in all circuit courts in all counties of the State of Alabama having a population of not less than 150,000 nor more than 300,000 inhabitants according to the last preceding or any subsequent federal decennial census; and providing for the payment thereof.

By Mr. Steagall (With Notice and Proof):

H. 509. Relating to the town of Newton, in Dale County: exempting certain farm land and appurtenances from municipal ad valorem taxation so long as the same is used for farm purposes.

By Mr. Edwards (Escambia) (With Notice and Proof):

H. 513. To authorize, direct and require the Commissioner of Revenue to collect any sales and use taxes now or hereafter levied by the City of East Brewton, Escambia County, Alabama under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said city; and to prescribe the powers, duties and authority of the Commissioner of Revenue, the State Department of Revenue and the State Comptroller with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

By Mr. Martin (With Notice and Proof):

H. 515. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Boligee, in the County of Greene, State of Alabama; and to prescribe the time when this act shall become effective.

By Mr. Sullivan (With Notice and Proof):

H. 528. To repeal Act No. 132, H. 112, approved September 21, 1959 (Acts of Alabama 1959, vol. 1, p. 654), entitled, "An Act To apply to Pickens County; regulating further the taking of fish from public streams and impounded waters; authorizing the taking of catfish by the use of baskets on which a privilege license tax has been paid; prohibiting the sale of fish so taken."

By Mr. Sullivan (With Notice and Proof):

H. 529. Relating to Pickens County; providing for coverage of the employees of the county under the Workmen's Compensation Act.

By Mr. Campbell (Jackson) (With Notice and Proof):

H. 543. To Amend Further an Act Approved November 4, 1950, entitled "An Act to Create a Board of Revenue for Jackson County; Providing its powers and duties and for compensation of its members; prescribing penalties for violations of this Act; and abolishing the Court of County Commissioners of Jackson County" (Acts of Alabama 1950-51, Vol. 1, p. 126) so as to Duly Authorize the Board of Revenue to Employ Clerical Help.

By Mr. Bailes et al (With Notice and Proof):

H. 463. To alter and re-arrange the boundary lines of the City of Mountain Brook, Alabama, so as to include within the corporate limits of said City, all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

By Mr. Rast et al (With Notice and Proof):

H. 487. Relating to the court fees and costs of the Court of Common Claims of Jefferson County.

By Mr. Rast et al (With Notice and Proof):

H. 488. Relating to the court fees and costs of the Jefferson County Civil Court.

By Mr. Etheredge et al (With Notice and Proof):

H. 517. To amend Act No. 843 of the Regular Session of the Legislature of Alabama of 1961, approved September 8, 1961.

By Mr. Powell (With Notice and Proof):

H. 512. To repeal Act No. 657, H. 1385, Regular Session 1961 (Acts 1961 p. 799), an act which levies sales and use taxes in Elmore County.

By Mr. Teel:

H. 133. To amend the Title and Section 1 of Act No. 68, H. 92, First Special Session 1956 (Acts 1956, p. 101), entitled "An Act To fix the compensation of members of the court of county commissioners, board of revenue, or like governing body of all counties having a population of not more than 11,900, according to the last or any subsequent federal decennial census."

Mr. Givhan, Chairman of the Standing Committee on Commerce and Common Carriers, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cook et al:

H. 310. To amend further Section 706 of Title 51, Code of Alabama (1940), as amended, by providing further for the transfer of ownership of certain motor vehicle license tags.

By Mr. Cook et al:

H. 309. To amend further Section 89 and Section 90 of Title 36, Code of Alabama (1940), as amended, which limits the size and weight limits of motor vehicles and loads, and prescribes exemptions therefrom.

Mr. Brannan, Chairman of the Standing Committee on Agriculture, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Givhan (With Amendment):

S. 221. To regulate the labeling, sale and offering or exposing for sale or distribution of agricultural, vegetable, flower, tree, shrub and herb seeds; to prevent misrepresentations relative thereto and to prohibit the sale of such seeds not in compliance with the requirements of this Act; to require seed dealers and others engaged in the sale of seeds to obtain an annual permit from the Department of Agriculture and Industries and to prescribe the amount of the permit fee; to authorize the State Board of Agriculture and Industries to promulgate rules and regulations for effectuating the purposes of this Act; to prescribe the duties and authority of the Commissioner of Agriculture and Industries relative to administration and enforce-

ment of this Act; to prescribe a penalty for violations of this Act and other administrative and enforcement provisions; to repeal Act No. 560, S. 369, Legislature of 1943, approved July 9, 1943 (Acts of 1943, page 552).

Mr. Brannon, Chairman of the Standing Committee on Agriculture, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Adams:

S. 233. To amend Section 4 of Act No. 46 (H. 36), Legislature of 1955, (Second Sp. Sess.) approved April 6, 1955 (Acts of 1955, page 152) which Act regulates the sale of eggs, said amendment to Section 4 thereof to provide a method of refunding overpayments of amounts erroneously collected in payment of the egg inspection fee.

By Mr. Nichols:

S. 251. To amend Section 4 of Act No. 365 (H. 382) of the Legislature of 1947, approved August 16, 1947, (General Acts of 1947, p. 251) which Act provides for an alternate method of paying and collecting the stamp tax or fee on sales of commercial fertilizer, such amendment to Section 4 thereof to dispense with the requirement that monthly reports of sales shall be under oath.

By Messrs. Adams and Brannon:

S. 256. To authorize the Commissioner of Agriculture and Industries to enter into contract by bond or insurance policy for the protection of employees of the Department of Agriculture and Industries against certain hazards where such employees are engaged in work involving inspection and grading of agricultural products at shipping points, terminal markets and receiving centers.

RESOLUTION

Mr. Hornsby offered the following Senate Resolution, to-wit:

S. R. 23. RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That the Honorable Chief Justice and Associate Justices of the Supreme Court of Alabama or a majority of them, are hereby respectfully requested to give this body their written opinions concerning the following important constitutional question which has arisen in connection with the pending bill, H. B. 280, by Mr. Perry, a true copy of which is attached hereto and incorporated herein by reference:

If enacted, would this bill be violative of that provision of Article 9, Section 200 of the Constitution of 1901 which reads: "No county shall be divided between two (senatorial) districts, and no district shall be made up of two or more counties not contiguous to each other"?

RESOLVED FURTHER, That the Secretary of the Senate be directed to send, forthwith, a true copy of this resolution to the Clerk of the Supreme Court of Alabama.

By Messrs. Perry, Morrow, Rogers, Brown (Jefferson), Dominick, Etheredge, Meeks, Vacca, Gilmore, Collins, Bailes, McDermott, Downing, Edington, Engel, Hogan, Fields, Smith, Sessions and Rast:

A BILL
TO BE ENTITLED
AN ACT

H. B. 280. To fix the number of senators and redivide the state into senatorial districts; amending further Code 1940 Title 32, Section 2.

Be It Enacted by the Legislature of Alabama:

Code of Alabama 1940, Title 32, Section 2, is hereby amended to read as follows:

"2. The senate of the legislature shall consist of thirty five members, and the state is divided into thirty-five senatorial districts, as follows: First, Lauderdale and Limestone; second, Lawrence and Morgan; third, Madison; fourth, Jackson, DeKalb and Cherokee; fifth, Colbert, Franklin, and Marion; sixth, Winston, Walker, and Fayette; seventh, Marshall and Cullman; eighth, Etowah; ninth, Lamar, Pickens, Sumter, Greene and Hale; tenth, Tuscaloosa; eleventh, Jefferson, said district to be coextensive with the entire county; twelfth, Jefferson, said district to be coextensive with the entire county; thirteenth, Jefferson, said district to be coextensive with the entire county; fourteenth, Jefferson, said district to be coextensive with the entire county; fifteenth, Jefferson, said district to be coextensive with the entire county; sixteenth, Jefferson, said district to be coextensive with the entire county; seventeenth, Jefferson, said district to be coextensive with the entire county; eighteenth, Blount, St. Clair, Shelby, and Coosa; nineteenth, Calhoun; twentieth, Talladega, Clay and Cleburne; twenty-first, Chilton, Bibb, Autauga, and Elmore; twenty-second, Randolph, Chambers, and Tallapoosa; twenty-third, Perry, Dallas, and Lowndes; twenty-fourth, Lee and Russell; twenty-fifth, Montgomery, said district to be coextensive with the entire county; twenty-sixth, Montgomery, said district to be coextensive with the entire county; twenty-seventh, Marengo, Choctaw, Clarke, and Wilcox; twenty-eighth, Crenshaw, Butler, Conecuh, and Escambia; twenty-ninth, Bullock, Macon, Pike, and Barbour; thirtieth, Baldwin, Washington, and Monroe; thirty-first, Mobile, said district to be coextensive with the entire county; thirty-second, Mobile, said district to be coextensive with the entire county; thirty-third, Mobile, said district to be coextensive with the entire county; thirty-fourth Covington, Coffee, and Geneva; and thirty-fifth, Houston, Dale, and Henry."

Which was read and referred to the Standing Committee on Rules.

SPECIAL ORDER
BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount and continuing order of business for today, which was the Bill:

H. 182. To amend further Code of Alabama 1940, Title 36, Sections 60 and 61, in relation to the amount of the license payable by motor vehicle operators.

Mr. Dumas offered the following amendment to the Bill, to-wit:

AMENDMENT TO H. B. 182

Amend Section 2 of H. B. 182 by amending the sentence in said Section, beginning with the words "Two-fifths" and ending with the word "county." so as to read as follows:

"Two-fifths of each twenty-five cents retained by the probate judge shall be for his own use, and no other or further charge shall be made by him for services rendered in taking or receiving applications or issuing permits; provided however this provision shall not repeal any local statutes nor general statutes of local application contrary to this provision; the remaining three-fifths shall be paid into the public highway and traffic fund of the county."

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.	Eddins	Mathews	Reynolds
Adams	Gilchrist	McCain	Roberts
Bentley	Givhan	McDow	Robison (Montgomery)
Carter	Hawkins	Metcalf	Taylor
Clark	Hornsby	Montgomery	Tyson
Cooper	Lolley	Nichols	Wilson
Dumas	Lowe	Oden	

—26

Nays:

—0

Mr. Dumas then offered the following amendment to the Bill, H. B. 182, as amended, to-wit:

AMENDMENT TO H. B. 182, AS AMENDED

Amend Section 2 of H. B. 182 by inserting at the end of the third sentence the following words and figures

" , provided however that said report shall be prepared on the twentieth day of October, November and December."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.	Eddins	Mathews	Reynolds
Adams	Gilchrist	McCain	Roberts
Bentley	Givhan	McDow	Robison (Montgomery)
Carter	Hawkins	Metcalf	Taylor
Clark	Hornsby	Montgomery	Tyson
Cooper	Lolley	Nichols	Wilson
Dumas	Lowe		

—25

Nays:

—0

Mr. Hawkins then offered the following amendment to the Bill, H. B. 182, as amended, to-wit:

Amend H. B. 182 by striking the last sentence of Section 2, and substituting therefor the following:

"From the funds remitted to the state treasurer under the provisions of this section, each member of the highway patrol on duty or employed at the time of passage of this Act shall receive an increase in compensation in the sum of Fifty Dollars per month and any balance remaining from said funds shall be deposited to the credit of the general fund and shall be appropriated to the department of public safety for the payment of salaries.

On motion of Mr. Nichols, said amendment was laid on the table.

Yeas 19; Nays 5.

Yeas:

Messrs.	Eddins	Mathews	Oden
Adams	Gilchrist	McDow	Reynolds
Bentley	Givhan	Metcalf	Roberts
Clark	Lolley	Montgomery	Taylor
Dumas	Lowe	Nichols	Wilson

—19

Nays:

Messrs.	Hornsby	Robison (Montgomery)	Tyson
Hawkins	McCain		

—5

Mr. Tyson then offered the following amendment to the Bill, H. B. 182, as amended, to-wit:

AMENDMENT TO H. B. 182, AS AMENDED

In Section 2, second paragraph, strike out the last sentence and insert the following:

Three-fourths of all funds remitted to the state treasurer under the provisions of this section shall be deposited to the credit of the general fund, and shall be appropriated to the department of public safety for the payment of salaries and other expenses of personnel engaged in enforcement of state traffic and motor vehicle laws; the remainder to be deposited to the credit of a special fund to be known as "The Public Safety Emergency Fund," from which the Governor may, in his discretion, make allotments to the sheriffs of the several counties or to any municipality to be used for purposes prescribed by law.

On motion of Mr. Oden, said amendment was laid on the table.

Yeas 23; Nays 3.

Yeas:

Messrs.	Dumas	Mathews	Oden
Adams	Eddins	McCain	Reynolds
Bentley	Gilchrist	McDow	Roberts
Carter	Givhan	Metcalf	Robison (Montgomery)
Clark	Lolley	Montgomery	Taylor
Cooper	Lowe	Nichols	Wilson

—23

Nays:

Messrs.	Hawkins	Hornsby	Tyson
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—3

Mr. Tyson then offered the following amendment to the Bill, H. B. 182, as amended, to-wit:

AMENDMENT TO H. B. 182, AS AMENDED

In Section 2, second paragraph, strike out the last sentence and insert the following:

Three-fourths of all funds remitted to the state treasurer under the provisions of this section shall be deposited to the credit of the general fund, and shall be appropriated to the department of public safety for the payment of salaries and other expenses of personnel engaged in enforcement of state traffic and motor vehicle laws; the remainder to be deposited to the credit of a special fund to be known as "The Public Safety Emergency Fund", from which the Governor may, in his discretion, make allotments to any law enforcement agency of the State of Alabama or any political subdivision, including municipalities of the State of Alabama, for the purposes prescribed by law.

On motion of Mr. Carter, said amendment was laid on the table.

Mr. Hornsby then offered the following amendment for the Bill, H. B. 182, as amended, to-wit:

AMENDMENT TO H. B. 182, AS AMENDED

In Section 2, second paragraph, strike out the last three sentences and insert in lieu thereof the following:

He shall also at said time deliver to the treasurer the amount of all such fees collected less one dollar and twenty-five cents for each application received, or twenty-five cents for each permit issued, which sums shall be retained by him. One dollar of the amount retained on each application received shall be paid into the county treasury and shall be appropriated for the use of the sheriff for law enforcement. The judge of probate shall be entitled to ten cents of the amount retained on each application received or permit issued for his own use, and fifteen cents on each application received or permit issued shall be paid into the county general fund. All amounts remitted to the state treasurer shall be credited to the general fund and shall be appropriated and used for the purposes prescribed by law.

On motion of Mr. Carter, said amendment was laid on the table.

Yeas 21; Nays 4.

Yeas:

Messrs.	Gilchrist	McDow	Reynolds
Adams	Givhan	Metcalf	Roberts
Bentley	Lolley	Montgomery	Robison (Montgomery)
Carter	Lowe	Nichols	Taylor
Clark	Mathews	Oden	Wilson
Cooper	McCain		

—21

Nays:

Messrs.	Hawkins	Hornsby	Tyson
Dumas			

—4

Mr. Hornsby then offered the following amendment to the Bill, H. B. 182, as amended, to-wit:

AMENDMENT TO H. B. 182, AS AMENDED

In Section 2, second paragraph, strike out the last three sentences and insert in lieu thereof the following:

He shall also at said time deliver to the treasurer the amount of all such fees collected less seventy-five cents for each application received, or twenty-five cents for each permit issued, which sums shall be retained by him. Fifty cents of the amount retained on each application received shall be paid into the county treasury and shall be appropriated for the use of the sheriff for law enforcement. The judge of probate shall be entitled to ten cents of the amount retained on each application received or permit issued for his own use, and **fifteen cents on each application received or permit issued** shall be paid into the county general fund. All amounts remitted to the state treasurer shall be credited to the general fund and shall be appropriated and used for the purposes prescribed by law.

On motion of Mr. Oden, said amendment was laid on the table.

Yeas 20; Nays 6.

Yeas:

Messrs.	Eddins	Mathews	Oden
Adams	Gilchrist	McCain	Reynolds
Bentley	Givhan	Metcalf	Robison (Montgomery)
Carter	Lolley	Montgomery	Taylor
Clark	Lowe	Nichols	Wilson
Cooper			

—20

Nays:

Messrs.	Hawkins	McDow	Tyson
Dumas	Hornsby	Roberts	

—6

Mr. Hornsby then offered the following amendment to the Bill, H. B. 182, as amended, to-wit:

AMENDMENT TO H. B. 182, AS AMENDED

In Section 1, second paragraph, strike out the words "four dol-

lars and twenty-five cents" wherever it appears and insert in lieu thereof the words "three dollars and twenty-five cents"

On motion of Mr. Lolley, said amendment was laid on the table.

And said Bill, H. B. 182, as thus amended, was then read a third time at length and passed.

Yeas 22; Nays 4.

Yeas:

Messrs.	Dumas	Mathews	Oden
Adams	Eddins	McCain	Reynolds
Bentley	Gilchrist	McDow	Robison (Montgomery)
Carter	Givhan	Metcalf	Taylor
Clark	Lolley	Montgomery	Wilson
Cooper	Lowe	Nichols	—22

Nays:

Messrs.	Hornsby	Roberts	Tyson
Hawkins			—4

MOTION TO RECONSIDER

Mr. Cooper moved that the Senate reconsider the vote by which it postponed further consideration of the Resolution, H. J. R. 80, and pending substitute, to 6:00 A. M. today, which was adopted, and the Senate did reconsider said vote.

Mr. Cooper then moved that the substitute offered by Mr. Nichols for the Resolution, H. J. R. 80, be laid on the table, and the motion to table was lost.

Yeas 0; Nays 26.

Yeas:

—0

Nays:

Messrs.	Eddins	Mathews	Reynolds
Adams	Gilchrist	McCain	Roberts
Bentley	Givhan	McDow	Robison (Montgomery)
Carter	Hawkins	Metcalf	Taylor
Clark	Hornsby	Montgomery	Tyson
Cooper	Lolley	Nichols	Wilson
Dumas	Lowe	Oden	—26

And the substitute offered by Mr. Nichols was then adopted by the Senate.

And said Resolution, H. J. R. 80, as thus amended by the substitute, was then adopted by the Senate.

ADJOURNMENT

At 3:35 A. M., on motion of Mr. Mathews, in accordance with

Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, July 9, 1963, at 12:00 o'clock Noon.

TWENTIETH LEGISLATIVE DAY

TUESDAY, JULY 9, 1963

The Senate met pursuant to adjournment, Lieutenant Governor Allen presiding.

PRAYER

The Session was opened with prayer by Honorable C. M. Wilson, Chaplain of the Senate.

ROLL CALL

Present:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannon	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark	Horton	Nichols	Tyson
Cooper	James	Oden	Wilson
Dumas	Lolley		

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JOURNAL

On motion of Mr. Nichols, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Robison (Montgomery), indefinite leave of absence was granted Mr. Eddins.

On motion of Mr. McDow, leave of absence was granted Mr. Reynolds for today.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Nineteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

WILLIAM C. McCAIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. McCain, the foregoing report was concurred in and the Journal of the Senate for the Nineteenth Legislative Day was approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Horton:

S. 270. To alter, rearrange, extend, and redefine the boundaries and corporate limits of the city of Athens in Limestone County.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF LIMESTONE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange, extend, and redefine the boundaries and corporate limits of the city of Athens in Limestone County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the city of Athens in Limestone County are hereby altered, rearranged, extended, and redefined so as to include within the corporate limits of said city all territory now within such corporate limits, and also certain other additional and adjacent territory in said county, as follows:

Beginning at a point on the South boundary of Section 13, Township 3 South, Range 5 West of the Huntsville Meridian, said point being 500 feet west of the southeast corner of said Section 13 and run thence North parallel to the East boundary of Range 5 West to a point that is 500 feet west of and 500 feet north of the southeast corner of Section 25, Township 2 South, Range 5 West; thence East parallel to the South boundaries of Section 25, Township 2 South, Range 5 West, Sections 30, 29, 28, and 27 and 26, Township 2 South, Range 4 West to a point that is 500 feet north of and 500 feet East of the southwest corner of Section 26, Township 2 South, Range 4 West; thence south parallel to the west boundaries of Sections 26 and 35, Township 2 South, Range 4 West and Sections 2, 11, 14, and 23, Township 3 South, Range 4 west to a point that is 500 feet south of and 500 feet East of the Northwest corner of Section 23, Township 3 South, Range 4 West; thence west and parallel to the North boundaries of Section 23, 22, 21, 20, and 19, Township 3 South, Range 4 West and the North boundary of Section 24, Township 3 South, Range

5 West; to a point that is 500 feet west of and 500 feet South of the northeast corner of Section 24, Township 3 South, Range 5 West, thence North and parallel to the East boundary of Section 24, Township 3 South, Range 5 West a distance of 500 feet to the point of beginning and containing all of Sections 31, 32, 33, and 34 of Township 2 South, Range 4 West of all Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, and 18 of Township 3 South, Range 4 West, a 500 foot wide strip off the East side of Sections 1, 12, and 13, Township 3 South, Range 5 West, a 500 foot strip off the south side of Sections 30, 29, 28, and 27 of Township 2 South, Range 4 West, a 500 foot strip off the west side of Section 35, Township 2 South, Range 4 West, a 500 foot strip off the west side of Sections 2, 11, and 14 of Township 3 South, Range 4 West, a 500 foot strip off the North side of Sections 22, 21, 20, and 19 of Township 3 South, Range 4 West, an area in the form of a square having 500 foot length sides lying in the SE corner of Section 25, Township 2 South, Range 5 West, an area in the form of a square having 500 foot length sides lying in the SW corner of Section 26, Township 2 South, Range 4 West, an area in the form of a square having 500 foot length sides lying in the NW corner of Section 23, Township 3 South, Range 4 West and an area in the form of a square having 500 foot length sides lying in the NE corner of Section 24, Township 3 South, Range 5 West.

Section 2. The provisions of this Act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF LIMESTONE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Steele McGrew, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Limestone Democrat, a newspaper of general circulation published in Limestone County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 11, June 18, June 25, and July 2, all in the year 1963.

STEELE MCGREW,

Sworn to and subscribed before me this 2nd day of July, 1963.

LOLA L. ORR,
Title Notary Public.

By Mr. Hawkins:

S. 271. To amend Section 2 of Act No. 412, H. 878, Regular Session 1961 (Acts 1961, p. 429), relating to certain county officers in counties classified according to population.

Committee on Local Legislation.

By Mr. Hawkins:

S. 272. Relating to the sixteenth judicial circuit of Alabama; prescribing a rule of procedure for the circuit courts therein.

Committee on Local Legislation.

By Mr. McCain:

S. 273. To alter, rearrange and extend the boundary line of the City of Northport, in Tuscaloosa County, Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama, at any regular session or special session subsequent hereto, and application for its passage and enactment into law will be made.

A BILL TO BE ENTITLED AN ACT

To alter, rearrange and extend the boundary line of the City of Northport, in Tuscaloosa County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the corporate limits of the City of Northport, Tuscaloosa County, Alabama, be altered, rearranged, changed and extended so as to include within the corporate limits of said City all of the following additional territory:

PARCEL NO. I:

All that part of Sections 20 and 21, Township 22 South, Range 10 West, that lies North of the Black Warrior River, East of Snow's Mill Creek and West of that certain public road commonly referred to as Oliver Lock and Dam Road.

PARCEL NO. II.

A parcel of land located in the Northeast Quarter of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter of Section 9, Township 21 South, Range 10 West, in Tuscaloosa County, Alabama, being more particularly described as follows:

As a point of beginning start at a point on the South line of said Northeast Quarter of the Northwest Quarter that is 530.4 feet East of the Southwest corner of said Northeast Quarter of the Northwest Quarter; thence Northwardly and parallel to the East line of said Northeast Quarter of the Northwest Quarter for a distance of 250.0 feet to a point; thence Eastwardly for a distance of 786 feet, more or less, to a point on the East line of said Northeast Quarter of the

Northwest Quarter that is 250.0 feet North of the North boundary of the right-of-way of U. S. Highway No. 82; thence continue Northwardly along the East line of said Northeast Quarter of the Northwest Quarter to the Northwest corner of Lot 10 of the Sallie Shirley Survey, a plat of said survey being recorded in Plat Book 5, at Page 46, in the Probate Office of Tuscaloosa County, Alabama; thence Eastwardly to the Northeast corner of Lot 1, Sallie Shirley Survey; thence Southwardly along the East line of said Lot 1 to a point on the North boundary of the right-of-way of U. S. Highway No. 82; thence Westwardly along the curving North boundary of the right-of-way of said U. S. Highway No. 82 to an intersection with the South line of said Northeast Quarter of the Northwest Quarter; thence Westwardly along the South line of said Northeast Quarter of the Northwest Quarter to the point of beginning.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be, and the same are, hereby expressly repealed.

Section 3. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA
TUSCALOOSA COUNTY

I hereby certify that the attached notice was published in Graphic, a newspaper published in and having a general circulation in the City and County of Tuscaloosa, Alabama, once a week for four consecutive weeks; viz May 16, May 23, May 30, and June 6, 1963.

BETTY PEARY,
Legal Clerk.

Subscribed and sworn to before me on this the 6th day of June, 1963.

KARL S. ELEBASH, JR.,
Notary Public.

By Mr. McDow:

S. 274. To amend further Code of Alabama 1940, Title 12, Section 70, which relates to the State's participation in salaries of county engineers.

Committee on Finance and Taxation.

By Mr. Cooper:

S. 275. To amend Sections 9 and 14 of Act No. 762 enacted at the 1951 Regular Session of the Legislature of Alabama, as amended, so as to provide that a gas district organized under the provisions of said act, as amended, may issue refunding bonds (whether or not the bonds to be refunded are then subject to redemption) in principal amount not exceeding the principal amount of the bonds to be refunded plus any premium necessary to redeem or retire any such bonds, any interest (accrued or to accrue) on such bonds to the date of redemption or retirement thereof and any expenses estimated to be incurred in connection with such refunding, so as to provide that

any such refunding bonds may be issued by sale or exchange or any combination thereof, so as to authorize any such district to issue bonds for the combined purpose of so refunding any of its bonds and of acquiring, constructing, providing, improving or extending any gas system or systems and so as to specify with more particularity the purposes for which the proceeds from any such refunding bonds shall be used.

Committee on Municipalities and
Municipal Organizations.

By Mr. Clark:

S. 276. Relating to Barbour County; relieving the board of registrars of the county from the duty of visiting precincts or voting places in the performance of their duties.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Barbour County; relieving the board of registrars of ~~the county from the duty of visiting precincts or voting places in the~~ performance of their duties.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the board of registrars of Barbour County are relieved of the duty of visiting the precincts and voting places in the performance of their official duties as provided in Code of Alabama 1940, Title 17, Section 26 as amended; and in lieu thereof shall meet, for the purpose of registering voters, at each courthouse eleven days, and in the other incorporated towns of the county eight days, dividing the eight days reasonably between such towns.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BARBOUR

Before me, the undersigned authority in and for said County in said State, this day personally appeared Joel P. Smith, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor-Publisher of the Eufaula Tribune, a newspaper of general circulation published in Barbour County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Ala-

bama, said notice having appeared in the issues of said paper on June 6, June 13, June 20, and June 27, all in the year 1963.

JOEL P. SMITH,

Sworn to and subscribed before me June 28, 1963.

MRS. J. M. SMITH,
Title Notary Public.

By Mr. Clark:

S. 277. Relating to Barbour County; to regulate further the compensation of the board of registrars of the county.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Barbour County; to regulate further the compensation of the board of registrars of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The total compensation of each member of the board of registrars of Barbour County, including the usual compensation paid by the state shall not be less than twenty dollars, nor more than twenty-five dollars for each day's attendance on sessions of the board as the board of revenue or like governing body of the county may prescribe. That part of the compensation of the registrars not paid by the state shall be paid from the general funds of the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

**STATE OF ALABAMA
COUNTY OF BARBOUR**

Before me, the undersigned authority in and for said County in said State, this day personally appeared Joel P. Smith, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor and Publisher of The Eufaula Tribune, a newspaper of general circulation published in Barbour County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 6, June 13, June 20, and June 27, all in the year 1963.

JOEL P. SMITH,

Sworn to and subscribed before me June 28, 1963.

MRS. J. M. SMITH,
Title Notary Public.

By Messrs. Clark, Shelton, Bentley, Cooper, McDow and McCain:

S. 278. To appropriate \$300,000 annually or as much thereof as may be necessary from the Alabama Special Educational Trust Fund to the State Board of Education as a part of the Minimum Program Fund, in addition to all other appropriations in the Minimum Program Fund, for the education and training of exceptional children including the administration, maintenance, and operation of classrooms, classes, and teachers for such classes in accordance with Act No. 67, approved June 27, 1963.

Committee on Finance and Taxation.

By Messrs. Smith and Roberts:

S. 279. Relating to the compensation of circuit judges in Alabama.

Committee on Finance and Taxation.

By Mr. Givhan:

S. 280. To amend further Act No. 523, S. 315, Regular Session 1947 (Gen. Acts 1947, p. 379), an act creating and establishing a water improvement commission, in relation to the powers and duties of the commission and review and enforcement of its orders.

Committee on Mining and Manufacturing.

By Mr. Metcalf:

S. 281. To amend Section 1 of Act No. 912, Regular Session 1961, H. 1292, approved September 8, 1961, entitled "An Act to Amend Section 348 Title 51, Code of Alabama 1940, and to repeal all laws, and parts of laws, General or Special, In Conflict Herewith," which Act and this Amendment thereto relate to the imposition of a franchise tax on foreign corporations doing business in the State based on the actual amount of its capital employed in the State, defining capital providing for a method of determining the actual amount of its capital so employed and establishing such determination as a rebuttable presumption as to the actual amount of its capital so employed, providing for exclusions and deductions from the amount of capital so determined and repealing all laws and parts of laws in conflict herewith.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Brown (Jefferson) et al (With Notice and Proof):

H. 559. To alter, rearrange and extend the boundaries of the City of Bessemer, Alabama, so as to include within the corporate limits thereof certain additional territory in Section 34, Township 18 South, Range 4 West, Jefferson County, Alabama.

By Mr. Morrow et al (With Notice and Proof):

H. 560. To alter and re-arrange the boundary lines of the City of Birmingham, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and all certain other territory in Jefferson County, Alabama, contiguous to said city.

By Mr. Barnett (With Notice and Proof):

H. 594. Relating to Perry County; to provide for the appointment and compensation of Clerks for the Tax Assessor and Tax Collector of Perry County, Alabama.

By Mr. Wood:

H. 600. To repeal Act No. 47, H. 70, Second Special Session 1963, relating to counties having populations of not less than 15,300 nor more than 15,400.

By Mr. Wood:

H. 601. To provide an expense allowance for members of the court of county commissioners, board of revenue, or other like governing body of all counties having populations of not less than 15,300 nor more than 15,400, according to the last or any subsequent federal decennial census; giving the Act limited retroactive effect.

By Mr. Mashburn (With Notice and Proof):

H. 604. To alter or rearrange the boundary line of the City of Bay Minette, Baldwin County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

By Mr. Sullivan:

H. 595. Relating to counties having populations of not less than 21,850 nor more than 21,950 according to the most recent federal decennial census; authorizing payment of expense allowances to members of the county governing body.

By Mr. Sullivan:

H. 596. To authorize and direct the county board of education in all counties having populations of not less than 21,850 nor more than 21,950, according to the most recent federal decennial census, to fix the salary and expense allowance of the county superintendent of education at amounts not less than the salaries and expenses paid to certain other employees of the board.

By Mr. Turner (Crenshaw) (With Notice and Proof):

H. 550. To amend further Act No. 132, H. 138, Second Special Session 1959 (Acts 1959, p. 382), an act providing for a law and equity court of Crenshaw County.

By Mr. Turner (Crenshaw) (With Notice and Proof):

H. 553. Relating to Crenshaw County; amending further Act No. 502, H. 916, Regular Session 1947, (Local Acts 1947, p. 340) an act providing for the compensation of members of the court of county commissioners.

By Mr. Baker (DeKalb) (With Notice and Proof):

H. 511. To authorize the Governing Body of DeKalb County Alabama to pay the sum of Two Thousand Five Hundred Dollars (\$2,500.00) to Richard Smith Adkins out of the General Fund of said County or out of such other funds as may be available for the payment of Deputy Sheriffs' salaries of DeKalb County, Alabama; as may be determined by the County Commission for medical expenses and other costs in connection with the injuries received by the said Richard Smith Adkins, while acting as Deputy Sheriff of DeKalb County, Alabama in the line of duty, in an automobile accident in DeKalb County.

By Mr. Daniel:

H. 566. Relating to counties having populations of not less than 27,000 nor more than 30,000; regulating the compensation of the county superintendent of education of such counties.

By Mr. Branyon:

H. 555. Relating to counties having populations of not less than 15,500 nor more than 16,300; vesting in the probate courts of such counties the civil jurisdiction of justice of the peace courts.

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Wilson (With Notice and Proof) (With Substitute):

S. 243. Relating to Walker County; providing for and establishing a central purchasing system for the county, and for all officers, offices, departments, and instrumentalities of the county, including the county board of education and public hospitals.

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Bentley (With Notice and Proof):

S. 266. Relating to Blount County; abolishing the board of finance and control created by Act No. 334, H. 954, approved September 2, 1955, and restoring and re-establishing the court of county commissioners of Blount County in lieu thereof, providing for the organization, powers, jurisdiction, and duties of the court of county commissioners; and providing for the qualifications, election, term, powers, duties, authority, and compensation of its members.

By Mr. Doggett (With Notice and Proof):

H. 547. To provide for the compensation of jurors in Choctaw County.

By Mr. Doggett (With Notice and Proof):

H. 548. To regulate further the compensation and allowances of election officers in Choctaw County.

By Mr. Crawford:

H. 558. To provide for the compensation of county or deputy solicitors in counties having populations of not less than 15,000 nor more than 15,300.

RESOLUTIONS

Messrs. Hawkins, Gilchrist, Horton, Bentley, Nichols, Cooper, Adams, Carter, Tyson and Robison (Pickens) offered the following Senate Joint Resolution, to-wit:

S. J. R. 24. BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES concurring, as follows:

WHEREAS, the right of free and unlimited parliamentary debate has been a bulwark in the defense of States Rights and Constitutional Government during critical periods in the history of the Nation, the South and the State of Alabama, and

WHEREAS the Honorable Members of the United States Senate from Alabama and other Southern States are currently engaged in preparations for meeting the threat of ill-considered Force Bills being urged on the Congress by the Attorney General of the United States, and

WHEREAS unprecedented threats and pressures are being applied by the Attorney General of the United States and other advocates of such Force Bills, including the threat of mob demonstrations in Washington, to intimidate Southern Senators in their use of the right of free and unlimited parliamentary debate, and

WHEREAS the Legislature of Alabama desires to go on record to reassert its belief in free and unlimited parliamentary debate as a traditional and fundamental tenet of Constitutional Government, and

WHEREAS it is proper that this Legislature should at this critical time make its position known on this issue, toward the end that the United States Senators from Alabama and other Southern States, along with other adherents of States Rights and Constitutional Government, should be commended and encouraged in their exercise of free and unlimited debate.

THEREFORE, we the Members of the Alabama Senate and House of Representatives assembled, do hereby deplore and condemn efforts to throttle and silence free and unlimited parliamentary debate as it has been exercised in traditional Anglo-Saxon legislative bodies through the years; and we further deplore and condemn the use of threats and pressures, whether from legally-constituted officials or from lawless mobs, which would stifle free and unlimited debate; and we further urge our United States Senators from Alabama and other Southern States to stand firm in their rights, bowing before no threats or pressures from any source whatsoever, knowing that the people of Alabama and the South, as well as Americans everywhere who cherish States Rights and Constitutional Government, support their advocacy of free and unlimited debate and their efforts against increased Executive Powers, Force Legislation and Mob Rule.

And on motion of Mr. Hawkins, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Nichols offered the following Senate Resolution, to-wit:

S. R. 25. RESOLVED BY THE SENATE OF ALABAMA, That the Honorable Chief Justice and Associate Justices of the Supreme Court of Alabama, or a majority of them, are hereby respectfully requested to give this body their written opinions concerning the following important constitutional question which has arisen in connection with the pending bill, H. B. 639, relating to cities operating under the commission form of government which have populations of not less than 16,000 nor more than 26,000, according to the 1960 or any subsequent decennial census of the population of the United States, a bill presently applicable only to the city of Talladega, which was introduced without notice and proof as required by Section 106 of the Constitution:

Does this bill propose enactment of a general law within the meaning of Article 4, Section 110 of the Constitution of Alabama 1901?

RESOLVED FURTHER, That the Secretary shall send forthwith four true copies of H. B. 639 to the Clerk of the Supreme Court of Alabama, together with four copies of this resolution.

By Messrs. Camp, Bolton, Bethea (M) and Turnham:

A BILL
TO BE ENTITLED
AN ACT

H. 639. Relating to cities having a population of not less than 16,000, nor more than 26,000, according to the 1960 or any subsequent decennial census of the population of the United States; changing the method of electing, the designation of, and fixing the term of office of, members of the Board of Commissioners of any such city.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the Board of Commissioners of any City under the Commission form of government, having a population of not less than 16,000, nor more than 26,000, inhabitants according to the 1960, or any subsequent decennial census of the population of the United States, shall be elected on the third Tuesday in August, 1963, and every four years thereafter, and such Commissioners shall hold office for a term of four years from the first Monday in October following, and until their successors are elected and assume the duties of office.

Section 2. The three places on the Board of Commissioners of any City coming within the purview of this Act shall be known as, and designated as President of the Board, Commissioner of Finance, and Commissioner of Streets and Parks. Every candidate for election to membership on the Board of Commissioners shall, in announcing his candidacy, designate the place for which he is a candidate; and the ballots to be used at the election shall be prepared accordingly.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Hawkins, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Horton, Nichols and Smith offered the following Senate Joint Resolution, to-wit:

S. J. R. 26. To provide for continuation of the joint committee established by H. J. R. 107, Act No. 483, approved September 6, 1957, to study the problems involved in the production and processing of cotton.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the joint committee established pursuant to H. J. R. 107, Act No. 483, approved September 6, 1957 (Acts of 1957, p. 667) shall continue in existence and shall continue its work as directed in said Act No. 483, provided that the members of the committee shall be elected by the respective Houses as provided in Act No. 483. The committee shall make a report to the Legislature on or before the fifth legislative day of the 1965 Regular Session.

RESOLVED FURTHER, That the Lieutenant Governor of Alabama, the Speaker of the House of Representatives and the Commissioner of Agriculture and Industries shall serve as ex officio members of the committee.

RESOLVED FURTHER, That the committee is authorized to meet thirty days in addition to the meeting days heretofore provided for in said Act No. 483, of the Regular Session of 1957 and in Act No. 7, S. J. R. 4 of the First Special Session of 1959, and each member of the committee shall be entitled to compensation and expenses as provided for in said Act No. 483, provided, however, that the total per diem pay, expense allowances, travel allowances and all other expenses incurred by the committee in any fiscal year shall not exceed \$5,000.00, anything in said Act No. 483 of 1957 or in S. J. R. No. 4 of the First Special Session of 1959 or hereinabove to the contrary notwithstanding.

AND RESOLVED FURTHER, That any provision of said H. J. R. 107, Act No. 483, of 1957, and any provision of said Act No. 7, S. J. R. 4 of the First Special Session 1959 in conflict with this resolution are hereby rescinded.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

The Rules Committee reported the following Senate Resolution, to-wit:

S. R. 27. BE IT RESOLVED by the Senate that the following shall be the special, paramount and continuing order of business today on the call of the calendar, superseding all and any prior special, paramount and continuing orders of business:

H. 364, page 25
 H. 110, page 23
 H. 263, page 5
 H. 265, page 6
 H. 266, page 6

Mr. Gilchrist offered the following amendment to the Resolution, to-wit:

AMENDMENT TO S. R. 27

Amend the report of the Rules Committee by striking the following: "H. 364, page 25".

On motion of Mr. Adams, said amendment was laid on the table.

Yeas 20; Nays 9.

Yeas:

Messrs.	Evans	Mathews	Robison (Pickens)
Adams	Givhan	McDow	Smith
Allen	James	Metcalf	Taylor
Brannon	Lolley	Montgomery	Tyson
Carter	Lowe	Nichols	Wilson
Clark			—20

Nays:

Messrs.	Gilchrist	Horton	Robison (Montgomery)
Bentley	Hawkins	McCain	Shelton
Dumas	Hornsby		—9

RECESS

At 1:05 P. M., on motion of Mr. Allen, pending further consideration of S. R. 27, the Senate took a recess until 2:30 o'clock this afternoon.

AFTERNOON SESSION

TWENTIETH LEGISLATIVE DAY

TUESDAY, JULY 9, 1963

The Senate re-assembled at 2:30 P. M., Lieutenant Governor Allen presiding.

ROLL CALL

Present:

Messrs.	Clark	Hammond	Lowe
Adams	Cooper	Hawkins	Mathews
Allen	Dumas	Hornsby	McCain
Bentley	Evans	Horton	McDow
Brannon	Gilchrist	James	Metcalf
Carter	Givhan	Lolley	Montgomery

Nichols
Oden
Roberts

Robison (Montgomery) Smith
Robison (Pickens) Taylor
Shelton

Tyson
Wilson

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UNFINISHED BUSINESS

The Senate proceeded to consideration of the unfinished business of the morning session, which was the Resolution:

S. R. 27. Setting special orders.

Mr. Gilchrist offered the following amendment to the Resolution, to-wit:

AMENDMENT TO S. R. 27

Amend Rules Committee Report to read as follows:

H. B. 263 p. 5
H. B. 265 p. 6
H. B. 266 p. 6
H. B. 110 p. 23
H. B. 364 p. 25

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Dumas, Tyson and Robison (Montgomery):

S. 282. To propose an amendment to the Constitution of Alabama to authorize the State to become indebted and issue its general obligation bonds in a principal amount not exceeding \$3,000,000 for the purpose of financing the construction, reconstruction, alteration and improvement of storage and handling facilities for the Alabama State Docks.

Committee on Finance and Taxation.

The above bill was read a first time at length as required by the Constitution.

By Mr. Carter:

S. 283. To regulate automobile clubs and associations; to provide for the issuance of certificates of authorization; to regulate the conduct of such clubs and associations; to provide for license fees, and for the collection thereof; to authorize the promulgation of rules and regulations; to confer powers upon the Superintendent of Insurance necessary for the administration of this Act; to prescribe penalties.

Committee on Public Roads and Highways.

By Mr. Hammond:

S. 284. Relating to the municipality of Fort Payne in DeKalb County; to alter, re-arrange and extend the boundaries of the City of Fort Payne.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL LEGISLATION

Notice is hereby given that a local act, law or bill will be introduced in the Legislature of the State of Alabama, at the Regular Session beginning May 7, 1963, for the purpose of and in substance as follows:

An act relating to the municipality of Fort Payne in DeKalb County; to alter, re-arrange and extend the boundaries of the City of Fort Payne.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the municipality of Fort Payne in DeKalb County are hereby altered, re-arranged and extended to include within the corporate limits of the City of Fort Payne the following described territory, in addition to that already within the corporate limits, to-wit:

Beginning at the point where the extended North line of 16th Street South (or Howard Street, as shown on the recorded Plat of the Thomas Addition to the City of Fort Payne) intersects the South line of Section 18, Township 7 South, Range 9 East of the Huntsville Meridian, run in a northwesterly direction with the North line of said 16th Street south to the easterly right-of-way line of the Alabama Great Southern Railway; thence run in a southwesterly direction with said easterly right-of-way line to the point where said right-of-way intersects the east line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 24, Township 7 South, Range 8 East; thence run in a northwesterly direction to the NW corner of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 24; thence run in a northeasterly direction to the SW corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 18, Township 7 South, Range 9 East; thence run in a northerly direction to the NW corner of said NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 18; thence run in a northeasterly direction to the NW corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 7, Township 7 South, Range 9 East; thence run in a northeasterly direction to the NE corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 7; thence run in a northeasterly direction to the SW corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 5, Township 7 South, Range 9 East; thence run in a northerly direction to the NW corner of said NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 5; thence run in an easterly direction to the NE corner of said Section 5; thence run in a northerly direction to the NW corner of the SW $\frac{1}{4}$ of Section 33, Township 6 South, Range 9 East; thence run in an easterly direction to the SW corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 33; thence run in a northeasterly direction to the NW corner of the NE $\frac{1}{4}$ of said Section 33; thence run in a northerly direction to the NW corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 28, Township 6 South, Range 9 East; thence run in an easterly direction to the NE corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 28; thence run in a southeasterly direction to the SW corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 27; Township 6 South, Range 9 East; thence run in a northeasterly direction to the NE corner of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 27; thence run in an easterly direction to the NE corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 27; thence run in a southerly direction to the SE corner of the said SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 27; thence run in a westerly direction to the NE corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 34, Township 6 South, Range 9 East; thence run in a southerly direction to the NE corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 3, Township 7 South, Range 9

East; thence run in a southwesterly direction to the SW corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 9, Township 7 South, Range 9 East; thence run in a southwesterly direction to the SW corner of said Section 9; thence run in a southerly direction to the NE corner of the SE $\frac{1}{4}$ of Section 17, Township 7 South, Range 9 East; thence run in a southwesterly direction to the SW corner of said SE $\frac{1}{4}$ of Section 17; thence run in a westerly direction to the point of beginning.

Said area all lying in DeKalb County, Alabama.

Section 2. This act shall become effective immediately upon the passage and approval by the Governor or upon its otherwise becoming a law.

PUBLISHER'S CERTIFICATE

STATE OF ALABAMA
COUNTY OF DeKALB

Personally appeared before the undersigned, a Notary Public, within and for said County and State, Ben M. Smith, publisher of The Times-Journal, a newspaper published at Fort Payne, County of DeKalb, State of Alabama, who being duly sworn, states on oath that the notice, a true copy of which is hereto annexed, was published in said newspaper in its issues of June 11, 18, 25; July 2, 1963.

BEN M. SMITH,
Publisher.

Sworn to and subscribed before me this 8th day of July, 1963.

MAUDE C. DAVIDSON,
Notary Public.
My commission expires May 10, 1967.

By Mr. Evans:

S. 285. To provide a program for the protection of forest trees from insect infestation and disease. To establish a system and method for the suppression of infestation and disease in forest trees. To provide for cooperative agreements with the Federal Government, other agencies and persons. To provide for a fund known as the "Control of Forest Tree Insects and Diseases Fund".

Committee on Forestry and Conservation.

By Mr. Hawkins:

S. 286. Relating to counties having populations of not less than 96,000 nor more than 106,000; authorizing certain teachers in the public schools who are over age seventy to be continued in service; and prescribing conditions for their continued employment.

Committee on Local Legislation.

By Messrs. Allen, Tyson, Hammond, Mathews, Metcalf and Oden:

S. 287. Proposing an amendment to the Constitution of Alabama providing allowances for former governors.

Committee on Finance and Taxation.

The above bill was read a first time at length as required by the Constitution.

By Mr. Mathews:

S. 288. To authorize the governing bodies of any two or more counties, or the governing bodies of any two or more municipalities within a single county, or the governing bodies of any two or more municipalities situated within different counties, or the governing bodies of any one or more counties and the governing bodies of any one or more municipalities situated in whole or in part in any one of said counties to establish regions for planning purposes and to appoint regional planning commissions.

Committee on Municipalities
and Municipal Organizations.

By Mr. Mathews:

S. 289. To authorize and empower all planning commissions, planning boards or other planning agencies within the State of Alabama, whether designated state, regional, joint, county, municipal or otherwise, to perform comprehensive planning and related activities, including transportation planning, for the respective geographical areas as to which planning power has heretofore been delegated to such commissions, boards, or other agencies by the Legislature of Alabama; to provide that, where now or hereafter authorized by compact or otherwise, such comprehensive planning may embrace areas where rapid urbanization has occurred or is expected to occur and which said areas extend into adjoining states; to authorize said commissions, boards and other agencies, upon request, to provide planning assistance to cities, other municipalities, groups of adjacent communities and regional planning agencies; and to authorize said commissions, boards and other agencies to contract for and to accept and utilize grants and other assistance for planning from any and all agencies which now or hereafter legally may contract as to and make grants or afford other assistance for comprehensive planning.

Committee on Municipalities
and Municipal Organizations.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Mr. Fite:

H. 494. Relating to contractors bidding on highway work submitting a check or bid bond with their bid as a proposal guaranty.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate

Standing Committee, as follows:

H. B. 494 — to the Committee on Public Roads and Highways

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Fite, Turnham, Hannah, Paulk, Cooper, Cantrell, Crawford, Powell, Nabors, Harper, Owens, Thomas, Turner (Crenshaw), Campbell (Jackson), Callahan, Boston, Moore, Baker (DeKalb), McCorquodale, Heflin, Doggett, Jones (Covington), Mashburn, Young, Steagall, Cook, Bassett, Brewer, Bevill, Brown (Tuscaloosa), Campbell (Tuscaloosa), Snell, Carr, Merrill, Burnham, Albea, Drake, Grouby, Faulk, Salter and Stembridge:

H. 357. To make annual appropriations for the support, maintenance, and development of public education in Alabama for each of the fiscal years ending September 30, 1964 and September 30, 1965, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Board of Trustees of Alabama College, the Board of Trustees of Auburn University, the Board of Trustees of the University of Alabama, the Board of Trustees of the Alabama Institute for Deaf and Blind, the Board of Trustees of the Alabama Boys Industrial School, the Board of Trustees of the Alabama Industrial School for Negroes, the Board of Trustees of the State Training School for Girls, the Alabama Educational Television Commission, and for the Teachers' Retirement System.

Also:

By Messrs. Fite, Turnham, Hannah, Paulk, Cooper, Cantrell, Crawford, Powell, Brewer, Nabors, Harper, Owens, Thomas, Turner (Crenshaw), Callahan, Boston, Baker (DeKalb), Moore, McCorquodale, Doggett, Heflin, Jones (Covington), Mashburn, Young, Steagall, Bassett, Cook, Bevill, Brown (Tuscaloosa), Campbell (Tuscaloosa), Merrill, Burnham, Drake, Grouby, Faulk and Salter:

H. 358. To make an appropriation to the State Superintendent of Education for the purpose of contracting with Tuskegee Institute for undergraduate and graduate instruction of Alabama residents in engineering, veterinary medicine, nursing, home economics and agriculture.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 357 and 358 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Fite, Turnham, Hannah, Paulk, Cooper, Cantrell, Brewer, Crawford, Powell, Nabors, Harper, Owens, Thomas, Turner (Crenshaw), Boston, Callahan, Baker (DeKalb), Moore, McCorquodale, Doggett, Heflin, Jones (Covington), Mashburn, Young, Steagall, Bassett, Cook, Beville, Brown (Tuscaloosa), Campbell (Tuscaloosa), Snell, Carr, Merrill, Burnham, Albea, Drake, Grouby, Faulk and Salter:

H. 359. To make appropriation for the support and maintenance of the Southern Industrial Institute.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 359 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Fite, Turnham, Hannah, Paulk, Brewer, Cooper, Cantrell, Crawford, Powell, Nabors, Harper, Owens, Thomas, Turner (Crenshaw), Boston, Callahan, Moore, Baker (DeKalb), Young, McCorquodale, Doggett, Heflin, Jones (Covington), Mashburn, Steagall, Bassett, Cook, Beville, Brown (Tuscaloosa), Campbell (Tuscaloosa), Snell, Carr, Merrill, Burnham, Albea, Drake, Grouby, Faulk and Salter:

H. 360. To make an appropriation for the support and maintenance of the Walker County Junior College, located at Jasper, in Walker County.

Also:

By Messrs. Fite, Pruitt, Brewer, Barnett, Beville, Hester, Nettles, Blanton, Turnham, Young, Steagall, Bassett, Cook, Brown (Tuscaloosa), Campbell (Tuscaloosa), Snell, Carr, Merrill, Burnham, Albea, Drake, Grouby, Faulk, Salter and Callahan:

H. 361. To make appropriations from the state treasury for support and maintenance of the Marion Institute, located in Perry County.

Also:

By Messrs. Fite, Turnham, Hannah, Paulk, Cooper, Cantrell, Crawford, Powell, Brewer, Nabors, Harper, Owens, Thomas, Turner (Crenshaw), Campbell (Jackson), Callahan, Boston, Baker (DeKalb),

Moore, McCorquodale, Doggett, Heflin, Jones (Covington), Mashburn, Young, Steagall, Bassett, Cook, Bevil, Brown (Tuscaloosa), Campbell (Tuscaloosa), Snell, Carr, Merrill, Burnham, Albea, Drake, Grouby, Faulk and Salter:

H. 362. To make an appropriation for the support and maintenance of the Alabama Vocational School for Girls.

Also:

By Messrs. Engel, Casey, Edwards (Escambia), Fields, Mashburn, Nettles, Blanton, Ingram, Edington, Jones (Monroe), McCorquodale, McDermott, Hogan, Daniel, Jones (Covington), Salter, Owens, Downing, Rogers, Avery, Smith, Wood, Crawford, Turner (Crenshaw), Turner (Limestone), Slate, Burns, Thomas, Goldthwaite, Grouby, Sullivan, Meade, Harper, Cook, Nabors, Pruitt, Carr, Doggett, Moore, Cates, Glass, Reynolds and Brewer:

H. 523. To make appropriations for operation, support and maintenance of the University of South Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 360, 361, 362 and 523 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. McDermott, Edington, Engel, Rogers, Smith, Downing, Hogan and Fields:

H. J. R. 82. WHEREAS, the Honorable Vernol R. Jansen, Sr. has been summoned to his eternal reward by his Creator, having ably and faithfully served on earth the purpose of his creation, and

WHEREAS, during his life he had devoted his energies and abilities to the unselfish service of his fellow man, and

WHEREAS, the Honorable Vernol R. Jansen, Sr. gave unstintingly of his time and efforts to the people of his community in whatever manner he deemed that he could be of service, and

WHEREAS, he was a military veteran of World War I, having enlisted in the First Alabama Cavalry in 1917 and served in France until January of 1919, and

WHEREAS, he was graduate of Marion Institute and the University of Alabama and had been admitted to the practice of law in the State of Alabama for over forty years, having served as President of the Mobile Bar Association in 1940, and

WHEREAS, throughout his life he was a devoted civic worker, having served as President of the Mobile Chapter, American Red Cross and Commander of the American Legion post in Mobile, and was founder of the national program of the American Legion known as Boys State, and

WHEREAS, during his professional career he held many important public positions, including that of County Attorney for Mobile County, and

WHEREAS, at the time of his death he was serving his seventh year as Judge of Probate of Mobile County, having been twice elected to that position, and

WHEREAS, as Judge of Probate, he was known for his scholarly and diligent approach to the law, the profession which he loved so well, and was respected for the honesty, impartiality and efficiency with which he conducted that office, and

WHEREAS, the Honorable Vernol R. Jansen, Sr. was held in the highest esteem by the people of this State, lawyers and laymen alike, as being a man of unimpeachable character, imbued with love of his country and a true patriot, and

WHEREAS, his passing is deeply mourned by persons in all walks of life and by the members of the Legislature, now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

That the members of the Legislature do hereby express their deep regret at the passing of the Honorable Vernol R. Jansen, Sr. and extend their sincere sympathy to the surviving members of his family.

BE IT FURTHER RESOLVED that in grateful appreciation of his service to his State, his nation and his fellow man, this Resolution be spread upon the pages of the Journal and that a copy hereof be sent forthwith to his family.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Tyson, the Rules were suspended and the Resolution, H. J. R. 82, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Fite:

H. J. R. 83. WHEREAS, it is the intent of the Legislature of Alabama that school bus drivers receive an approximate ten percent (10%) increase in salary,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that school bus drivers receive an approximate ten percent (10%) increase in salary beginning with the fiscal year 1963-64.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 83, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RESOLUTION

Mr. Bentley offered the following Senate Joint Resolution, to-wit:

S. J. R. 28. WHEREAS the Automotive Safety Showcase, a research and engineering exhibit of the Automobile Manufacturers Association, will be on exhibit at the State Capitol on Thursday and Friday, July 11 and 12; and

WHEREAS this Safety Showcase is a unique, educational exhibit of the importance of safety engineering; this safety education exhibit performs a valuable public information and education function in the interest of reduced highway and traffic accidents; and

WHEREAS this interesting and informative safety exhibit is sponsored by the State Department of Public Safety along with other public-interest organizations; and

WHEREAS the members of the Legislature have been invited by a legislative committee to view this Safety Showcase exhibit;

NOW THEREFORE BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING, that members of both Houses are urged to view this public service display, the Safety Showcase, the inspection of which should prove to be a richly rewarding safety incentive for all who avail themselves of the opportunity.

On motion of Mr. Bentley, the Rules were suspended and the Resolution was adopted by the Senate.

FURTHER CONSIDERATION OF S. R. 27

The Senate proceeded to further consideration of the Resolution:

S. R. 27. Setting special orders.

The question was on the amendment to the Resolution offered by Mr. Gilchrist.

Mr. Gilchrist then offered the following substitute for the Gilchrist amendment to S. R. 27, to-wit:

SUBSTITUTE TO S. R. 27 AND
GILCHRIST AMENDMENT NO. 2 TO S. R. 27

Be It Resolved by the Senate that the following shall be special, paramount and continuing order of business today on the call of the calendar, superseding all and any prior special, paramount and continuing orders of business:

H. B. 263 on page 5
H. B. 265 on page 6
H. B. 266 on page 6

Which was adopted.

And the Resolution, S. R. 27, as thus amended by the substitute, was then adopted by the Senate.

SPECIAL ORDERS
BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount and continuing orders of business, the first of which was the Bill:

H. 263. To amend Code of Alabama 1940, Title 40, Section 1, relating to the appointment of commercial notaries public in each county of the State; providing for their appointment by the judges of probate of the several counties.

And said bill was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs.	Evans	James	Nichols
Allen	Gilchrist	Lolley	Oden
Bentley	Givhan	Lowe	Robison (Montgomery)
Brannon	Hammond	Mathews	Robison (Pickens)
Carter	Hawkins	McDow	Shelton
Clark	Hornsby	Metcalf	Taylor
Cooper	Horton	Montgomery	Tyson
Dumas			—28

Nays:

—0

The Bill:

H. 265. To amend Section 2 of Act No. 431, S. 155, Regular Session 1943 (Acts 1943, p. 400) further providing for the appointment of notaries public for the state at large.

Was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Messrs.	Adams	Allen	Bentley
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Brannon	Givhan	Lowe	Oden
Carter	Hammond	Mathews	Robison (Montgomery)
Clark	Hawkins	McDow	Robison (Pickens)
Cooper	Hornsby	Metcalf	Shelton
Dumas	Horton	Montgomery	Taylor
Evans	James	Nichols	Tyson
Gilchrist	Lolley		

—29

Nays:

—0

The Bill:

H. 266. To amend Code of Alabama 1940, Title 41, Section 10, in relation to the commissioning of notaries public.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, to-wit:

SENATE JUDICIARY COMMITTEE
AMENDMENT TO HOUSE BILL NO. 266

Strike the words director of the state department of public welfare where they appear and substitute therefor the words "the director of the state department of pensions and security"

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.	Dumas	James	Nichols
Adams	Evans	Lolley	Oden
Allen	Gilchrist	Lowe	Robison (Montgomery)
Bentley	Givhan	Mathews	Robison (Pickens)
Brannon	Hammond	McDow	Shelton
Carter	Hawkins	Metcalf	Taylor
Clark	Hornsby	Montgomery	Tyson
Cooper	Horton		

—29

Nays:

—0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Messrs.	Carter	Gilchrist	Horton
Adams	Clark	Givhan	James
Allen	Cooper	Hammond	Lolley
Bentley	Dumas	Hawkins	Lowe
Brannon	Evans	Hornsby	Mathews

McDow	Nichols	Robison (Pickens)	Taylor	
Metcalf	Oden	Shelton	Tyson	
Montgomery	Robison (Montgomery)			—29

Nays:

—0

The Bill:

S. 24. To make it unlawful for any person by the use of a telephone to molest, harass, threaten or willfully and knowingly, convey certain false information, and to prescribe penalties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 22; Nays 2.

Yeas:

Messrs.	Dumas	Lolley	Oden	
Allen	Gilchrist	Lowe	Roberts	
Bentley	Givhan	Mathews	Robison (Montgomery)	
Carter	Hawkins	McDow	Robison (Pickens)	
Clark	Horton	Montgomery	Shelton	
Cooper	James	Nichols		—22

Nays:

Messrs.	Hammond	Metcalf	—2
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The Bill:

H. 11. To amend further Code of Alabama 1940, Title 13, §§ 31 and 33, relating to supernumerary justices of the supreme court.

Was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.	Gilchrist	Lolley	Oden	
Allen	Givhan	Lowe	Roberts	
Bentley	Hammond	Mathews	Robison (Montgomery)	
Carter	Hawkins	McDow	Robison (Pickens)	
Clark	Hornsby	Metcalf	Shelton	
Cooper	Horton	Montgomery	Tyson	
Dumas	James	Nichols		—26

Nays:

—0

The Bill:

S. 64. Proposing an amendment to the Constitution of Alabama requiring approval of the qualified electors of the state prior to the issuance and sale of revenue bonds.

was taken up.

Mr. Dumas offered the following amendment to the Bill, to-wit:

AMENDMENT TO S. B. 64

Add at the end of Section 1 the following:

"3. This amendment shall not apply to any county, municipality or political subdivision of the state or any instrumentality of such county, municipality or political subdivision."

Which was adopted.

Yeas 25; Nay 1.

Yeas:

Messrs.	Givhan	Lowe	Oden
Bentley	Hammond	Mathews	Roberts
Carter	Hawkins	McDow	Robison (Montgomery)
Clark	Hornsby	Metcalf	Robison (Pickens)
Cooper	Horton	Montgomery	Shelton
Dumas	James	Nichols	Tyson
Gilchrist	Lolley		

—25

Nay:

Mr. Allen —1

And said Bill, as thus amended, was then read a third time at length as required by the Constitution and passed and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 3.

Yeas:

Messrs.	Gilchrist	Lolley	Oden
Bentley	Givhan	Lowe	Roberts
Carter	Hawkins	Mathews	Robison (Montgomery)
Clark	Hornsby	McDow	Robison (Pickens)
Cooper	Horton	Montgomery	Shelton
Dumas	James	Nichols	Tyson

—23

Nays:

Messrs.	Allen	Hammond	Metcalf
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—3

The Bill:

S. 19. To require the approval of the Building Commission as a condition to the effectiveness of certain contracts and to prohibit the Building Commission from making any contract for the acquisition or construction of any building or facility without a proper showing that funds are available for the completion thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.	Gilchrist	Lolley	Oden
Allen	Givhan	Lowe	Roberts
Bentley	Hammond	Mathews	Robison (Montgomery)
Carter	Hawkins	McDow	Robison (Pickens)
Clark	Hornsby	Metcalf	Shelton
Cooper	Horton	Montgomery	Tyson
Dumas	James		

—25

Nays:

—0

The Bill:

S. 76. To amend Title 8, Section 239, 1940 Code of Alabama, which pertains to the sale of timber or minerals from school and swamp and overflowed lands.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.	Gilchrist	Lolley	Oden
Allen	Givhan	Lowe	Roberts
Bentley	Hammond	Mathews	Robison (Montgomery)
Carter	Hawkins	McDow	Robison (Pickens)
Clark	Hornsby	Metcalf	Shelton
Cooper	Horton	Montgomery	Tyson
Dumas	James		

—25

Nays:

—0

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Dumas, further consideration of the Bill, S. B. 23, was indefinitely postponed by the Senate.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Bills and Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S.J.R. 2, Delivered to the Governor, May 18, 1963, at 11:40 A. M.

S.J.R. 5, Delivered to the Governor, May 21, 1963, at 12:30 P. M.

S.J.R. 6, Delivered to the Governor, May 21, 1963, at 3:45 P. M.

S.J.R. 7, Delivered to the Governor, May 31, 1963, at 10:20 A. M.

S.J.R. 8, Delivered to the Governor, May 31, 1963, at 10:20 A. M.
S. B. 2, Delivered to the Governor, May 31, 1963, at 10:20 A. M.
S. B. 5, Delivered to the Governor, May 31, 1963, at 10:20 A. M.
S. B. 13, Delivered to the Governor, May 31, 1963, at 10:20 A. M.
S. B. 34, Delivered to the Governor, May 31, 1963, at 10:20 A. M.
S. B. 88, Delivered to the Governor, June 4, 1963, at 2:05 P. M.
S. B. 51, Delivered to the Governor, June 18, 1963, at 12:25 P. M.
S.J.R. 12, Delivered to the Governor, June 18, 1963, at 12:25 P. M.
S.J.R. 13, Delivered to the Governor, June 18, 1963, at 12:25 P. M.
S.J.R. 15, Delivered to the Governor, June 18, 1963, at 3:15 P. M.
S.J.R. 16, Delivered to the Governor, June 18, 1963, at 3:15 P. M.
S.J.R. 17, Delivered to the Governor, June 18, 1963, at 3:15 P. M.
S. B. 60, Delivered to the Governor, June 18, 1963, at 3:15 P. M.
S. B. 62, Delivered to the Governor, June 18, 1963, at 3:15 P. M.
S.J.R. 18, Delivered to the Governor, June 21, 1963, at 10:30 A. M.

J. E. SPEIGHT,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 6:52 P. M., on motion of Mr. Shelton, the Senate adjourned until Friday, July 12, 1963, at 10 o'clock A. M.

TWENTY-FIRST LEGISLATIVE DAY

FRIDAY, JULY 12, 1963

The Senate met pursuant to adjournment, Lieutenant Governor Allen presiding.

PRAYER

The Session was opened with prayer by Honorable J. T. McDow, Senator from the Fifteenth Senatorial District.

ROLL CALL

Present:

Messrs.	Dumas	James	Oden
Adams	Evans	Lolley	Roberts
Allen	Gilchrist	Mathews	Robison (Pickens)
Bentley	Givhan	McCain	Shelton
Brannon	Hammond	McDow	Smith
Carter	Hawkins	Metcalf	Taylor
Clark	Hornsby	Montgomery	Wilson
Cooper	Horton	Nichols	

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JOURNAL

On motion of Mr. Nichols, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Nichols, leaves of absence were granted Messrs. Eddins, Lowe, Reynolds, Robison (Montgomery) and Tyson for today.

REPORT OF COMMITTEE
ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twentieth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

WILLIAM C. MCCAIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. McCain, the foregoing report was concurred in and the Journal of the Senate for the Twentieth Legislative Day was approved by the Senate.

APPOINTMENT OF SELECT COMMITTEE

The President and Presiding Officer of the Senate appointed Messrs. Givhan, Dumas and Smith as Committee to escort Mrs. Mary D. Cain to the House of Representatives for the purpose of addressing a Joint Session of the Legislature.

RESOLUTION

Messrs. Givhan, Adams, Allen, Bentley, Brannon, Carter, Clark, Cooper, Dumas, Eddins, Evans, Gilchrist, Hammond, Hawkins, Hornsby, Horton, James, Lolley, Lowe, Mathews, McCain, McDow, Metcalf, Montgomery, Nichols, Oden, Reynolds, Roberts, Robison (Montgomery), Robison (Pickens), Shelton, Smith, Taylor, Tyson, Wilson and Honora-

ble James B. Allen, Lieutenant Governor, offered the following Senate Joint Resolution, to-wit:

S. J. R. 29. WHEREAS the Honorable Jesse Earl Speight beloved veteran Secretary of the Senate passed away this morning at his home here in Montgomery; and

WHEREAS Mr. Speight first came to Montgomery as a clerk in the office of the Secretary of the Senate in 1915, was elected Secretary of the Senate in 1923, and reelected at each subsequent session until 1955 after which time he held the position on a tenure basis, making him the holder of the longest record of service; and

WHEREAS Mr. Speight by his efficiency and many kindnesses endeared himself to all members of the Legislature who will long remember him with much affection; now therefore

RESOLVED BY THE SENATE, THE HOUSE CONCURRING, That we extend deepest sympathy to Mrs. Speight and the bereaved family of the deceased for their great loss. We mourn the passing of a dear friend and direct that a page of the Journal of each house be set aside in his memory and in appreciation of the splendid services rendered by him over the years.

RESOLVED FURTHER, That the members of the Senate shall attend the funeral and burial services in a body; and that a Senate committee shall be appointed to arrange appropriate memorial services for a later day.

RESOLVED ALSO, That the Senate do now adjourn in respect for our departed associate.

On motion of Mr. Givhan, the Rules were suspended and the Resolution, S. J. R. 29, was unanimously adopted by the Senate.

APPOINTMENT OF SELECT COMMITTEE

The President and Presiding Officer of the Senate appointed Messrs. Givhan, Robison (Montgomery) and Shelton as Committee on part of the Senate to assist in funeral arrangements for Honorable J. E. Speight.

In accordance with the provisions of S. J. R. 29, the President and Presiding Officer of the Senate appointed Messrs. Nichols, Mathews and Gilchrist to arrange appropriate memorial services for Honorable J. E. Speight.

ADJOURNMENT

At 10:30 A. M., in accordance with the provisions of S. J. R. 29, Mr. Nichols moved that the Senate do now adjourn, pending completion of the Joint Session, until Tuesday, July 16, 1963, at 12 o'clock Noon, which motion was adopted.

TWENTY-SECOND LEGISLATIVE DAY

TUESDAY, JULY 16, 1963

The Senate met pursuant to adjournment, Lieutenant Governor Allen presiding.

PRAYER

The Session was opened with prayer by the Reverend W. H. Swearingen, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.	Evans	Lolley	Reynolds
Adams	Gilchrist	Lowe	Roberts
Bentley	Givhan	Mathews	Robison (Pickens)
Brannon	Hammond	McCain	Shelton
Carter	Hawkins	McDow	Smith
Clark	Hornsby	Metcalf	Taylor
Cooper	Horton	Montgomery	Tyson
Dumas	James	Oden	Wilson
Eddins			

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JOURNAL

On motion of Mr. Lolley, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Carter, leaves of absence were granted Messrs. Allen, Nichols and Robison (Montgomery) for today.

REPORT OF COMMITTEE
ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

WILLIAM C. McCAIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. McCain, the foregoing report was concurred in and the Journal of the Senate for the Twenty-First Legislative Day was approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 29. Mourning the passing of Honorable Jesse Earl Speight.

JOHN W. PEMBERTON,
Clerk.

REPORT OF COMMITTEE ON
ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolution with the original Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. J. R. 29. Mourning the death of the Honorable Jesse Earl Speight, Secretary of Senate.

CHARLES A. MONTGOMERY,
Chairman.

SIGNING OF SENATE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

DEDICATED

TO THE

MEMORY OF

HONORABLE JESSE EARL SPEIGHT

Secretary of the Senate of Alabama

1923 - 1963

REPORT FROM RULES

The Rules Committee reported the following Senate Resolution, to-wit:

S. R. 30. Pursuant to Section 17, Title 32, Code of Alabama 1940, the Senate does now resolve that the Senate now proceed with the election of a Secretary of the Senate.

On motion of Mr. Adams, the Resolution, S. R. 30, was adopted by the Senate.

ELECTION OF SECRETARY OF SENATE

Mr. Clark placed in nomination for Secretary of the Senate Mr. McDowell Lee of Barbour.

The nomination of Mr. Lee was then seconded by Mr. Gilchrist.

Mr. Oden moved that nominations be closed, which motion was seconded by Mr. Lolley and adopted by the Senate.

Thereupon Mr. McDowell Lee was declared duly and constitutionally elected, by acclamation, a majority vote of the Senate, Secretary of the Senate for the term prescribed by law.

OATH OF OFFICE

Thereupon the Oath of Office was administered to Honorable McDowell Lee by Honorable James B. Allen, President and Presiding Officer of the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the Honorable Ealon M. Lambert, Opelika, Alabama, as a member of the State Board of Pardons and Paroles, for the term expiring June 30, 1969.

Respectfully,
GEORGE C. WALLACE,
Governor

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Horton:

S. 290. To provide for the feeding and care of certain county prisoners of Limestone County employed or used on the construction, repair, and maintenance of county roads and bridges, or other such road work; to provide uniforms for prisoners engaged in such road work; to prescribe the powers, duties, and authority of the sheriff and the board of revenue or like governing body of Limestone County, Alabama, in carrying out the provisions of this Act.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGALS

A BILL TO BE ENTITLED AN ACT

To provide for the feeding and care of certain county prisoners of Limestone County employed or used on the construction, repair, and maintenance of county roads and bridges, or other such road work: to provide clothing and miscellaneous supplies for prisoners engaged in such road work: to prescribe the powers, duties, and authority of the sheriff and the board of revenue or like governing body of Limestone County, Alabama, in carrying out the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Limestone County shall prepare or cause to be prepared, a noon lunch or meal for each county prisoner of Limestone County employed or being used in the construction, repair, and maintenance of county roads and bridges, or in other road work, which lunch or meal shall be served and eaten at noon at the place of work in order to prevent having to transport such prisoners back to the county jail each day for their noon meal. The board of revenue or like governing body of Limestone County, Alabama, shall allow to the sheriff a sum not to exceed thirty five (\$.35) cents for each such lunch or meal prepared and served to a county prisoner, upon certification thereof by the sheriff, which amounts shall be paid out of the gasoline funds of the county on warrant drawn in the manner prescribed by law. In any event if the board of revenue or like governing body of Limestone County, Alabama, does not desire to have the sheriff deliver food at the place of work, then it would be the responsibility of the board of revenue or like governing body of Limestone County, Alabama, to deliver food to the place of work at noon: the sheriff to receive mileage at the rate of ten (\$.10) cents per mile for delivery of food to place of work.

Section 2. The board of revenue or like governing body of Limestone County shall provide prisoners of Limestone County employed or used in the construction, repair, and maintenance of county road and bridges, or other such road work with clothing and other miscellaneous supplies. The cost of such clothing and miscellaneous supplies shall be paid out of the gasoline funds of the county on warrant drawn in the manner prescribed by law.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LIMESTONE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Steele McGrew, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Limestone Democrat, a newspaper of general circulation published in Limestone County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 14, 1963, May 21, 1963, May 28, 1963, and June 4, all in the year 1963.

STEELE MCGREW,

Sworn to and subscribed before me July 12, 1963.

LOLA L. ORR,
Title Notary Public.

By Mr. Roberts:

S. 291. Relating to municipalities having a mayor-council form of government; further regulating the election, compensation, powers and duties of the mayor in all cities having populations of not less than 70,000 nor more than 120,000 according to the 1960 or any subsequent federal decennial census, and repealing conflicting laws.

Committee on Municipalities
and Municipal Organizations.

By Mr. Roberts:

S. 292. To authorize and provide a system for the charging of entrance or user fees for the facilities of the State Parks System; to grant authority to the Director of Conservation to provide by regulation the method for charging and collecting such fees; to provide authority for the issuance, if the Director of Conservation deems appropriate, of annual car sticker decals through the probate judges and license commissioners of this State, which stickers would authorize admittance to such facilities; to provide for the disposition of all monies collected from such fees; to provide penalties for a violation of the provisions of this Act or any regulation of the Director of Conservation issued pursuant to the provisions of this Act.

Committee on Forestry and Conservation.

By Mr. Hawkins:

S. 293. To authorize cities to construct, reconstruct, equip, improve, extend, enlarge, maintain, repair, operate and lease off-street parking facilities; to acquire property for that purpose by purchase, gift, bequest, devise, grant, or by the exercise of the power of eminent domain with certain exceptions; to collect fees, tolls and rentals in connection with such facilities; to finance the acquisition of such facilities from the general funds of the city, through the issuance of general obligation warrants, or through the issuance of limited obliga-

tion revenue bonds; to pledge to the punctual payment of any debt, including revenue bonds and interest thereon, the revenues derived from such facilities; to pledge, mortgage, execute deeds of trust or create liens upon such facilities for the purpose of securing any debt, including revenue bonds and interest thereon, created for the purpose of financing such facilities; to accept loans or grants from the federal government to plan, construct or acquire such facilities; to make and enter into contracts and agreements necessary or incidental to the execution of powers granted herein, and to employ professional and management services needed to carry out the provisions of this Act; prescribing the conditions and manner in which revenue bonds may be issued to finance such facilities, that such bonds and the income therefrom, all mortgages executed as security therefor, all lease agreements made pursuant hereto, and all parking facilities and revenue derived from the lease of such facilities shall be exempt from all taxation in the state of Alabama; providing that revenue bonds issued under the authority of this Act shall be legal investments for savings banks and insurance companies; and providing that the powers granted by this Act shall be cumulative and that the provisions of this Act shall be severable.

Committee on Municipalities
and Municipal Organizations.

By Mr. Smith (by request):

S. 294. To make it lawful for any person, or persons, to use stationary fish traps with wooden fingers or slats not less than one and one-half inches apart for the purpose of taking or catching commercial or non-game fish in that part of any river that lies within counties in Alabama having a population not less than 65,000 nor more than 95,000 according to the last or any subsequent federal census; and to further regulate the operation of such traps.

Committee on Local Legislation.

By Mr. McDow:

S. 295. To make appropriations to the state department of conservation, state parks division, for improvement and upkeep of Confederate Memorial Cemetery at Mountain Creek.

Committee on Finance and Taxation.

By Mr. McDow:

S. 296. To make an appropriation to the Chilton County High School Marching Band for the purpose of defraying expenses incurred by their participation in the festivities of the 1963 National Convention of the American Legion.

Committee on Finance and Taxation.

By Mr. Evans:

S. 297. To amend further Act No. 565 enacted at the Regular Session of the Legislature of Alabama of 1943, entitled "An Act to authorize the establishment and maintenance of common trust funds; to authorize investments or participations therein; to define the requirements and terms thereof and the conditions and terms governing investments or participations therein and the admission and withdrawal of such investments or participations; to prescribe and define the rights, powers and duties of banks, trust companies, fiduciaries,

participants, beneficiaries and other persons with respect thereto; to provide for the regulation and supervision thereof; to repeal all laws inconsistent and in conflict with the provisions of this Act, and for other purposes," as said Act has heretofore been amended by Act No. 262 enacted at the Regular Session of the Legislature of Alabama of 1949 and by Act No. 112 enacted at the Regular Session of the Legislature of Alabama of 1953.

Committee on Banking.

By Messrs. Hammond, Metcalf, Tyson, Clark, Adams, Lowe and Carter:

S. 298. To promote, aid and develop the marketing of fruits and vegetables grown in Alabama by creating the State Agricultural Marketing Commission and prescribing the powers and duties of such Commission; to authorize the establishment of farmer marketing facilities and the operation thereof including its financing and to provide for studies and surveys for the location of marketing facilities; to authorize and provide for an advertising and promotional campaign for Alabama produced fruits and vegetables; to make an appropriation for carrying out the provisions of this Act.

Committee on Finance and Taxation.

By Mr. Montgomery:

S. 299. Relating to Greene County; authorizing the governing body of the county to provide clerk-hire allowances for certain county officers payable from county funds.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF GREENE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Greene County; authorizing the governing body of the county to provide clerk-hire allowances for certain county officers payable from county funds.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Greene County may provide for employment of clerical assistance by the clerk of the circuit court and by the tax assessor, whose compensation shall be paid from the county treasury; but the total amount provided the circuit clerk shall not exceed \$1,000 per annum and the total amount provided the tax assessor shall not exceed \$3,000 a year.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF GREENE

Before me, the undersigned authority in and for said County in said State, this day personally appeared R. K. Martin, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Greene County Democrat, a newspaper of general circulation published in Greene County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 6-13, 6-20, 6-27, and 7-4, all in the year 1963.

R. K. MARTIN,

Sworn to and subscribed before me July 15, 1963.

GENEVA L. MATTISON,
Title Notary Public.

By Mr. Brannan:

S. 300. To amend Section 3 of Title 8, Code of Alabama 1940, relating to the jurisdiction and authority of the department of conservation over state forests, state parks, and other state lands.

Committee on Forestry and Conservation.

By Mr. Brannan:

S. 301. To amend further Section 50 of Title 47, Code of Alabama 1940, relating to the lease by the director of conservation of the salt springs and lands granted to the State under the Act of Congress of March 2, 1819.

Committee on Forestry and Conservation.

By Mr. Brannan:

S. 302. To amend further Section 236 of Title 8, Code of Alabama 1940, relating to leases of school lands by the director of the department of conservation.

Committee on Forestry and Conservation.

By Mr. Brannan:

S. 303. To amend further Section 55 of Title 47, Code of Alabama 1940, relating to leases, contracts of exchange, or other dispositions of real estate by any department, commission, or other agency of the State of Alabama.

Committee on Forestry and Conservation.

By Mr. Brannan:

S. 304. To amend the act approved September 5, 1951 (Act No. 709, S. 415, Acts 1951, vol. II, p. 1247) providing for the ownership and supervision of swamp and overflowed lands and swamp and overflowed indemnity lands.

Committee on Forestry and Conservation.

By Mr. Brannan:

S. 305. To amend Section 66 of Title 55, Code of Alabama 1940, relating to the sale of lands owned or claimed by the State by the director of finance.

Committee on Forestry and Conservation.

By Mr. Tyson (by request):

S. 306. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 21, 22, 27 and 28, Township 16 North, Range 18 East, Montgomery County, Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given of the intention to apply to the Legislature of Alabama for passage of a law in substance as follows:

A BILL TO BE ENTITLED AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery so as to include within the corporate limits thereof certain additional territory in Section 21, 22, 27 and 28, Township 16 North, Range 18 East, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama be, and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said city certain additional territory lying within the following described boundaries, to-wit:

Beginning at a point on the east side of Carter Hill Road 660.0 feet south of the North line of Section 28 T 16 N, R 18E; thence easterly and parallel with the north line of said Section 28 to the east line of said Section 28; thence easterly and parallel with the north line of Section 27, T 16N, R 18E to a point 463.54 feet west of the east line of the northwest quarter of said Section 27; thence north and parallel with the east line of the Northwest quarter of said Section 27 660.0 feet to the north line of said Section 27 or the south line of Section 22, T 16N, R 18E; thence north and parallel with the east line of the southwest quarter of said Section 22 and the extension thereof to the north side of the Vaughn Road; thence east along the north side of the Vaughn Road a distance of 7.3 feet to

the Southeast corner of Lot 2 according to the Correction Map of the Hill Lands in the North Half of Section 22, T 16N, R 18E; thence north along the east line of said Lot 2 to the Northeast corner of said Lot 2 being on the north line of Section 22, T 16N, R 18E; thence west along the north line of said Section 22 a distance of 888.0 feet to the northeast corner of Lot 1 according to the Correction Map of the Hill Lands in the north half of Section 22, T 16N, R 18E, said point being 1305.0 feet east of the northwest corner of said Section 22; thence south along the east line of said lot 1 to the north side of the Vaughn Road; thence west along the north side of the Vaughn Road to the westerly right-of-way of the Central of Georgia Railroad; thence southeasterly along the westerly right-of-way of the Central of Georgia Railroad to the intersection of said right-of-way with the east side of Carter Hill Road; thence south along the east side of Carter Hill Road to the point of beginning.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF MONTGOMERY

Before me, Ruth E. Moore, a Notary Public in and for said State and County personally appeared Betty Shine, bookkeeper for "The Advertiser Company, Inc.", publishers of the Alabama Journal, a newspaper published in the City of Montgomery, and State of Alabama, who, being by me first duly sworn, deposes and says that the foregoing and attached is a true copy of a "Legal Notice" which appeared in the regular editions of the said newspaper published in said City and County of Montgomery on May 29, June 5, 12 and 19, 1963.

BETTY SHINE,

Sworn to and subscribed before me, this the 25th day of June, 1963.

RUTH E. MOORE,
Notary Public.

By Mr. Tyson:

S. 307. To amend Act No. 100, H. 94, Second Special Session 1959, entitled "An Act to raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented," so as to provide an exemption from such taxes on sales of fuel and supplies for use or consumption on certain ships and towing vessels.

Committee on Finance and Taxation.

By Mr. Mathews:

S. 308. To amend section 78, Title 13 of the Code of Alabama of 1940, as amended.

Committee on Finance and Taxation.

By Mr. Mathews:

S. 309. To amend section 57, title 13 of the Code of Alabama of 1940, as amended.

Committee on Finance and Taxation.

By Mr. Mathews:

S. 310. To amend section 62, Title 13 of the Code of Alabama of 1940, as amended.

Committee on Finance and Taxation

By Mr. Adams:

S. 311. Relating to counties having populations of not less than 50,000 nor more than 54,000; providing expense allowances for members of the court of county commissioners, board of revenue, or other like county governing body.

Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Turner (Crenshaw), Etheredge, B. Bethea, Bailes, Bowers, Rast, Locke, Meeks, M. Bethea, Brown (Jefferson), Vacca, Gilmore, Sessions, Dominick, Hawkins, Collins, Perry and Morrow:

H. J. R. 84. WHEREAS, MAJOR GENERAL WALTER J. (CRACK) HANNA, 0171549 is retiring as an active member of the Alabama National Guard on 31 December 1963, and

WHEREAS, General Hanna is now attending his last summer encampment as an active member of the Alabama National Guard and as Commander of Non-Divisional Units, Alabama National Guard, and

WHEREAS, General Hanna enlisted in the Alabama National Guard in 1919, was commissioned a Second Lieutenant in September 1922, promoted to First Lieutenant in April 1926, to Captain in January 1927 and served for thirteen years as Rifle Company Commander until he was promoted to Major in July 1940, he was promoted to Lieutenant Colonel, Infantry as Battalion Commander in January 1942 and to Colonel as Regimental Commander on 8 December 1942, and,

WHEREAS, General Hanna served on active duty with the 31st Infantry (Dixie) Division from 1940 to January 1944, and with the Division in the Southwest Pacific and Asiatic theater until September 1945 and served on active duty until November 1946, and,

WHEREAS, General Hanna in December 1946 reorganized the 167th Infantry Regiment 31st Infantry Division, Alabama National Guard and served as Regimental Commander and in July 1948 was promoted to Brigadier General and assigned as Assistant Division Commander, and on 16 January 1951 was appointed Adjutant General of the State of Alabama and also entered active duty being relieved from active duty on 1 June 1951 to assume duty as Adjutant General, and,

WHEREAS, General Hanna has received numerous military decorations including the Silver Star, Legion of Merit, Bronze Star Medal, Air Medal and Distinguished Service Medal of Alabama, and,

WHEREAS, General Hanna's only son is an officer in the Alabama National Guard, and,

WHEREAS, General Hanna has distinguished himself as a businessman and manufacturer and in the civic affairs of his city, county and state, and,

WHEREAS, General Hanna was National Guard Commander in charge of all law enforcement activities in the Phenix City Cleanup in 1954, and brought order out of turmoil in that troubled area, and,

WHEREAS, General Hanna is known far and wide as "Mister Alabama National Guard," and is largely responsible for the present high standing of the Alabama National Guard, and,

WHEREAS, General "Crack" Hanna is held in the highest of esteem, both as a soldier and as a man, by the officers and men of the Alabama National Guard, and by all others who know him, and,

WHEREAS, General Hanna by his fidelity to the Alabama National Guard and to his State and Nation has reflected great credit on himself, this State and the Alabama National Guard;

NOW THEREFORE BE IT RESOLVED, by the Legislature of Alabama, both Houses concurring, that General Walter J. (Crack) Hanna is hereby commended for his exceptionally meritorious and distinguished service to this Nation, this State, and the Alabama National Guard, and,

BE IT FURTHER RESOLVED, that the Legislature of Alabama hereby recommends to His Excellency, Honorable George C. Wallace, Governor of the State of Alabama, that he appoint and commission General Hanna as a Lieutenant General in the Militia of the State of Alabama, and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Governor of Alabama, the Adjutant General of Alabama, and to General Hanna.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Messrs. Dumas and Metcalf, the Rules were suspended and the Resolution, H. J. R. 84, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Dumas, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Pierce, Nabors, Burnham and Goodwyn:

H. 419. To amend Act No. 422, H. 325, Regular Session 1951, which is known as "The Alabama Real Estate License Law of 1951", and Act No. 513, Regular Session 1953.

Mr. Dumas, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Hawkins and Robison (Montgomery) (With Amendment):

S. 181. To provide that certain actions for personal injury or property damage must be commenced in two years, and to repeal conflicting laws.

Mr. Dumas, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hawkins:

S. 189. To amend Section 273 of Title 7, Code of Alabama 1940, which relates to written jury charges.

Mr. Dumas, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Robison (Montgomery) and Hawkins (With Amendment):

S. 216. To amend further Code of Alabama 1940, Title 9, Section 63, so as to include final orders of condemnation in eminent domain proceedings among the court orders which bear interest.

Mr. Dumas, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Robison (Montgomery) and Hawkins:

S. 219. To amend further Code of Alabama 1940, Title 7, Section 814, so as to provide for the addition of a penalty on the amount of damages and compensation assessed in a final order of condemnation by a circuit court or court of like jurisdiction under certain circumstances.

By Mr. Horton:

S. 240. To provide that certain unclaimed money held by any register of a circuit court shall be placed in the general fund of the county.

By Mr. Hawkins:

S. 250. To amend further Code of Alabama 1940, Title 47, Section 131, in relation to recordation of conditional sales contracts and other contracts affecting title to personalty.

By Messrs. Bevill and Goodwyn:

H. 207. To amend Section 2 of Act No. 415, S. 280, Regular Session 1959, (Acts 1959, p. 1102) relating to service of process in civil suits

on certain persons who have absented themselves from the state; prescribing the fee to be charged by the secretary of state for services performed in connection therewith.

By Messrs. Bevill and Goodwyn:

H. 209. To further amend Code of Alabama 1940, Title 7, Sections 192, 193, and 199 relating to process and notice to non-residents and unknown parties, to prescribe the fee to be charged by the Secretary of State for services performed in connection therewith.

By Mr. Roberts:

S. 174. To reapportion the Legislature in accordance with Article 9, Sections 198-200, Constitution of Alabama 1901.

RECESS

At 1:25 P. M., Mr. Cooper moved that the Senate take a recess until 3 o'clock this afternoon, which motion was adopted.

Yeas 23; Nays 6.

Yeas:

Messrs.	Gilchrist	Lolley	Reynolds
Clark	Givhan	Lowe	Roberts
Cooper	Hammond	Mathews	Robison (Pickens)
Dumas	Hawkins	McCain	Smith
Eddins	Hornsby	Metcalf	Taylor
Evans	Horton	Montgomery	Tyson

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Nays:

Messrs.	Brannon	James	Shelton
Adams	Carter	McDow	

—6

AFTERNOON SESSION

TWENTY-SECOND LEGISLATIVE DAY

TUESDAY, JULY 16, 1963

The Senate re-assembled at 3 P. M., Lieutenant Governor Allen presiding.

ROLL CALL

Present:

Messrs.	Evans	Lolley	Reynolds
Adams	Gilchrist	Lowe	Roberts
Bentley	Givhan	Mathews	Robison (Pickens)
Brannan	Hammond	McCain	Shelton
Carter	Hawkins	McDow	Smith
Clark	Hornsby	Metcalf	Taylor
Cooper	Horton	Montgomery	Tyson
Dumas	James	Oden	Wilson
Eddins			

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REPORTS OF COMMITTEES

Mr. Dumas, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. McCain, Metcalf, Tyson, Hawkins, Dumas and Robison (Montgomery):

S. 268. To provide for and authorize the introduction in evidence in any court in Alabama, when relevant and material, certified copies of hospital records of any hospital organized or operated under or pursuant to the laws of Alabama, including records of admission, medical, clinical, hospital, occupational, disease, injury and disability histories, X-Rays and written interpretations thereof, pictures, photographs, files, written orders, directions, findings and reports of physicians, doctors, surgeons, pathologists, radiologists, specialists, dentists, technicians and nurses as well as employees of such hospital forming a part of such hospital records, as to the health, physical and mental condition, state, sickness, disease, mental and physical disorders, damages, duration and character of disabilities, diagnosis, prognosis, progress, operations, incisions, injuries, wounds, cuts, lacerations, bruises, breaks, examinations, tests, transfusions, hospitalization and duration thereof, medication, medicines, treatment and care and charge sheets and the costs, expenses, fees and charges therefor and thereof, as to and of a patient in said hospital, when the custodian of such hospital records certifies and affirms in writing that the same are an exact, full, true and correct copy of such hospital records; with the proviso that all circumstances of the making of such hospital records, including lack of personal knowledge by the entrant or maker, may be otherwise shown to affect the weight of such hospital records but they shall not affect their admissibility; and to provide for the filing of said copy with the Clerk or Register of the Court having jurisdiction of the suit or proceeding, and to provide for subpoena duces tecum therefor.

By Mr. McCain:

S. 244. To amend Code of Alabama 1940, Title 36, Section 2, as amended, which relates to penalties for operation of motor vehicles upon the highways by persons who are habitual users of narcotic drugs or who are intoxicated.

By Mr. Crawford:

H. 156. To amend Section 1 of Act No. 912 of the Regular Session of the Legislature of 1951, approved September 12, 1951, relating to the assessment of solicitors' fees as part of the cost of appeals of judgments rendered in municipal courts.

By Mr. Hawkins:

S. 248. Relating to civil remedies and procedure; regulating actions against manufacturer or seller of goods for breach of warranty or negligence.

Mr. Dumas, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Fite (With Notice and Proof) (With Amendment):

H. 415. To prescribe certain rules of procedure, pleading, and practice relating to the joinder of parties and the rendition of judgment in certain courts in Marion County, Alabama.

Mr. Dumas, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hornsby:

S. 116. Relating to the police power of the state; to prohibit unauthorized persons going upon or remaining on church property or entering churches contrary to specific instructions by an authorized agent of such church; prescribing penalties.

By Mr. Carter:

S. 264. To amend Section 1 of Act No. 31, S. 12, approved October 31, 1950 (Acts of Alabama, Special Session 1950, pp. 70 and 80), providing for supernumerary solicitors for the State of Alabama, prescribing the conditions under which a circuit solicitor may become a supernumerary circuit solicitor; prescribing the qualifications, tenure in office, duties, powers, authority, compensation and the method of removal from office of such supernumerary circuit solicitors and to appropriate funds for the payment of such compensation.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to wit:

By Messrs. Dumas, Tyson and Robison (Montgomery) (With Amendment):

S. 282. To propose an amendment to the Constitution of Alabama to authorize the State to become indebted and issue its general obligation bonds in a principal amount not exceeding \$3,000,000 for the purpose of financing the construction, reconstruction, alteration and improvement of storage and handling facilities for the Alabama State Docks.

The above Bill was read a second time at length as required by the Constitution.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Clark, Shelton, Bentley, Cooper, McDow and McCain:

S. 278. To appropriate \$300,000 annually or as much thereof as may be necessary from the Alabama Special Educational Trust Fund to the State Board of Education as a part of the Minimum Program Fund, in addition to all other appropriations in the Minimum Program Fund, for the education and training of exceptional children including

the administration, maintenance, and operation of classrooms, classes, and teachers for such classes in accordance with Act No. 67, approved June 27, 1963.

By Mr. Adams:

S. 232. Making an appropriation for the relief of S. N. Coleman of Dothan, Alabama.

By Mr. Metcalf:

S. 281. To amend Section 1 of Act No. 912, Regular Session 1961, H1292, approved September 8, 1961, entitled "An Act To Amend Section 348 Title 51, Code of Alabama 1940, and to repeal all laws, and parts of laws, General or Special, In Conflict Herewith," which Act and this Amendment thereto relate to the imposition of a franchise tax on foreign corporations doing business in the State based on the actual amount of its capital employed in the State, defining capital providing for a method of determining the actual amount of its capital so employed and establishing such determination as a rebuttable presumption as to the actual amount of its capital so employed, providing for exclusions and deductions from the amount of capital so determined and repealing all laws and parts of laws in conflict herewith.

By Mr. McDow:

S. 274. To amend further Code of Alabama 1940, Title 12, Section 70, which relates to the State's participation in salaries of county engineers.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Fite and Hester (With Substitute):

H. 101. To amend Act No. 161, H. 135, Special Session 1962 (Acts 1962, p. 206), an act making an appropriation from the state general fund for the purpose of making certain capital improvements at Gulf State Park.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Goodwyn et al (With Amendment):

H. 260. To amend Section 103 of Title 13 of the Code of 1940 as amended.

By Mr. Goodwyn et al (With Amendment):

H. 262. To amend Section 29 of Title 13 of the Code of 1940 as amended.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted

on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Turnham and Morrow:

H. 177. Regulating further the method for determining capital gains or losses for Alabama income tax purposes; providing that a distribution of corporate stock made to certain shareholders pursuant to an order enforcing the federal anti-trust laws and qualifying for certain relief provisions of the federal revenue laws shall be treated as a return of capital.

By Mr. Goodwyn et al:

H. 192. Relating to the office of secretary of state; authorizing the photographic reproduction of and providing for authentication of certain official records of the office of the secretary of state; making an appropriation to effectuate the purpose of the Act.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cantrell et al (With Amendment):

H. 331. To make an appropriation from the state treasury for the purpose of the further preservation and promotion of the Heien Keller Home as an historic shrine.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Engel et al:

H. 523. To make appropriations for operation, support and maintenance of the University of South Alabama.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Roberts (With Amendment):

S. 175. Relating to education; authorizing the Alabama Education Authority to issue and sell additional bonds in the principal sum of \$900,000 for the purpose of constructing a library at the Alabama Agricultural and Mechanical College.

By Messrs. Callahan, Campbell (Tuscaloosa) and Brown (Tuscaloosa) (With Amendment):

H. 252. To make an appropriation from the state treasury to the use of the state building commission in establishing and equipping

a fire training center for the state fire college.

By Messrs. Smith and Roberts (With Amendment):

S. 279. Relating to the compensation of circuit judges in Alabama.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Oden:

S. 226. To amend further Section 710 of Title 51, Code of Alabama (1940), as amended, which relates to the date motor vehicle licenses become due and payable.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Dumas (With Amendment):

S. 253. To define Homesteads as herein used and to exempt such homesteads from all ad valorem taxation to the amount and value herein provided when owned and occupied by deaf mutes, insane or blind persons, legally adjudicated disabled war veterans, and persons over the age of sixty-five years.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Metcalf, Lolley, Clark, Adams, Taylor, Reynolds and Brannan:

S. 204. To provide for a mineral resources survey of the Choctaw-hatchee-Pea River basin and the Escambia-Conecuh River basin counties, and making an appropriation for the purpose.

Mr. Hornsby, Chairman of the Standing Committee on Insurance, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Robison (Montgomery):

S. 217. Regulating the right of certain state employees to recover damages for injury or death from tort-feasors and from the insurance company under contracts of insurance with the state department by which they are employed; and providing for the subrogation of certain of such rights to the insurance company.

By Mr. Collins:

H. 278. To provide for refunds of taxes, licenses, or other charges paid to the superintendent of insurance through mistake.

By Mr. Collins:

H. 279. Authorizing the superintendent of the state department of insurance, when acting as agent or attorney for certain insurance companies, to collect a fee for accepting the service of legal process.

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hawkins:

S. 271. To amend Section 2 of Act No. 412, H. 878, Regular Session 1961 (Acts 1961, p. 429), relating to certain county officers in counties classified according to population.

By Mr. Hawkins:

S. 272. Relating to the sixteenth judicial circuit of Alabama; prescribing a rule of procedure for the circuit courts therein.

By Mr. McCain (With Notice and Proof):

S. 273. To alter, rearrange and extend the boundary line of the City of Northport, in Tuscaloosa County, Alabama.

By Mr. Clark (With Notice and Proof):

S. 276. Relating to Barbour County; relieving the board of registrars of the county from the duty of visiting precincts or voting places in the performance of their duties.

By Mr. Clark (With Notice and Proof):

S. 277. Relating to Barbour County; to regulate further the compensation of the board of registrars of the county.

By Mr. Hammond (With Notice and Proof):

S. 284. Relating to the municipality of Fort Payne in DeKalb County; to alter, re-arrange and extend the boundaries of the City of Fort Payne.

By Mr. Hawkins:

S. 286. Relating to counties having populations of not less than 96,000 nor more than 106,000; authorizing certain teachers in the public schools who are over age seventy to be continued in service; and prescribing conditions for their continued employment.

By Mr. Salter:

H. 228. Relating to counties having populations of not less than 17,400 nor more than 17,800 inhabitants according to the 1960 or any subsequent federal decennial census; authorizing the county

boards of education in such counties to retire teachers who have attained the age of sixty-five.

By Mr. Engel et al, (With Notice and Proof):

H. 290. To amend Act No. 107, adopted February 14, 1956, as amended by Act No. 155, adopted August 2, 1957, as amended by Act No. 455, approved September 6, 1957, such Act creating and providing for in the City of Prichard, Alabama, a special fund to be known as "The Municipal Employees Pension and Relief Fund"; to provide for the setting apart of such funds; to create a pension and relief system applicable to all permanent municipal employees of such city, and eligible widows of such permanent municipal employees and eligible children thereof, whether such employee be in active service or be retired under the terms hereof; to provide for the creation of such fund and for appropriation from such city to make up any deficit therein; to provide how such funds shall be raised, acquired or gathered; to provide for the placement and handling of such funds; to provide who shall hear and determine applications for pensions and relief hereunder, and for the drawing of warrants against said fund; to provide against such funds being subject to garnishment or levy or sale under execution or otherwise; to provide payment for disabled employees of the various departments of such city during the term of such disability, and for the retirement of such members or employees on said pension, whether by reason of term of office or disability; to provide for the appropriation for funeral expenses upon the death of any employee of such city; to provide for the examination by proper authorities of such members or employees in case of sickness or disability; to provide for gifts, donations, legacies or otherwise to be made to such fund and for the appointment of Trustees and for the creation of a Board of Pensions for all purposes in connection therewith. To provide penalties for the violation of the provisions of this Act; to provide an effective date for this Act; and to provide that the invalidity or unconstitutionality of any section, provision or other portion of this Act shall not affect the validity of any other section, provision or other portion hereof.

By Mr. Salter:

H. 441. To provide further for the compensation of the county or deputy solicitor in all counties having populations of not less than 17,400 nor more than 17,800, according to the last or any subsequent federal decennial census.

By Mr. Salter:

H. 536. Relating to counties having populations of not less than 17,400 nor more than 17,800; fixing the compensation of election officers in such counties.

By Mr. Horton (With notice and proof):

S. 270. To alter, rearrange, extend, and redefine the boundaries and corporate limits of the city of Athens in Limestone County.

Mr. Taylor, Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cooper (With Amendment):

S. 275. To amend Sections 9 and 14 of Act No. 762 enacted at the 1951 Regular Session of the Legislature of Alabama, as amended, so as to provide that a gas district organized under the provisions of said act, as amended, may issue refunding bonds (whether or not the bonds to be refunded are then subject to redemption) in principal amount not exceeding the principal amount of the bonds to be refunded plus any premium necessary to redeem or retire any such bonds, any interest (accrued or to accrue) on such bonds to the date of redemption or retirement thereof and any expenses estimated to be incurred in connection with such refunding, so as to provide that any such refunding bonds may be issued by sale or exchange or any combination thereof, so as to authorize any such district to issue bonds for the combined purpose of so refunding any of its bonds and of acquiring, constructing, providing, improving or extending any gas system or systems and so as to specify with more particularity the purposes for which the proceeds from any such refunding bonds shall be used.

By Mr. Engel et al (With Amendment):

H. 76. To amend Sections 1, 8 and 9 of Act No. 648 enacted at the 1949 Regular Session of the Legislature of Alabama, as heretofore amended, so as to authorize industrial development boards heretofore or hereafter organized under said act to finance, acquire and lease, as projects thereunder, industries for the manufacturing, processing or assembling of mineral products as well as agricultural or manufactured products; to specify with particularity that any project acquired by any such industrial development board may be located within or without or partially within and partially without the corporate limits of the "parent" municipality authorizing the organization of such industrial development board; to provide that no such project or part thereof shall be located more than twenty-five miles from the corporate limits of such authorizing or "parent" municipality; to provide that in no event shall any such project or part thereof be located within the corporate limits of any other city or town in this state; to provide that no such project or part thereof may be located within the police jurisdiction of any other city or town in this state, or in a county other than that (or those) in which such authorizing or "parent" municipality (or part thereof) is situated, unless the governing body of such city, town or county, as the case may be, has first consented thereto; to make it clear that projects may be acquired by construction as well as by the other means provided in said act; and to make it clear that subsequent issues of bonds may be on a parity with prior issues if the right was reserved to make parity pledges in the proceedings authorizing the prior issues.

By Mr. Robison (Montgomery) (With Amendment):

S. 124. To amend Code of Alabama 1940, Title 37, Section 781, which relates to boards of adjustment of incorporated cities and towns.

Mr. Taylor, Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Hammond and Metcalf:

S. 220. To authorize and make provision for the incorporation

of Water Authorities as public corporations for the object of providing water or water systems or fire protection services or fire protection facilities or any part or combination thereof and in any one or more counties; to provide that in order for any such Authority to be organized, application must be made to, and approval must be given by, the governing body of a city or town within the State of Alabama; to provide for amendments to the certificate of incorporation of each Authority; to provide for the selection of the directors and officers of each such Authority; to specify the powers of each such Authority, including the power to acquire (by eminent domain or otherwise), improve, maintain, develop, operate, finance and protect plants, systems, equipment, buildings, facilities and other property, real or personal, useful, suitable or convenient for furnishing water, water systems, fire protection services, or fire protection facilities or any part or combination thereof; to provide that the board of directors of each Authority may fix and revise rates, fees and charges for water, water systems, fire protection services, fire protection facilities, or any part or combination thereof furnished by the Authority; to provide for the use of state and county roads by any such Authority; to provide that each such Authority shall be exempt from state and municipal regulation and supervision; to provide that each such Authority shall be exempt from laws relating to the advertising and award by the state and its departments of construction contracts and purchase contracts; to provide that any county, city, town or other political subdivision, public corporation, agency or instrumentality of this state may purchase or contract to purchase water or fire protection services and may purchase or lease water systems or fire protection facilities or any part or combination thereof, and may aid and cooperate with any such Authority in the planning, undertaking, acquisition, construction and operation of water systems and fire protection facilities and may lend, give, donate, sell, convey or transfer to any such Authority money, property (including existing water systems and fire protection facilities), or any right capable of transfer; to provide that no action or suit shall be brought or maintained against any such Authority or any director thereof for or on account of the negligence of such Authority or such director or of its or his agents, servants or employees in or about the construction, maintenance, operation, superintendence or management of a fire protection facility; to provide that officers, employees and agents of the Authority shall, while engaged in furnishing fire protection services, enjoy the same immunities and exemptions as municipal firemen; to authorize the issuance by each such Authority of interest bearing revenue bonds or revenue notes payable solely out of the revenues of the Authority issuing such bonds; to specify provisions of such bonds or notes issued by any such Authority and to provide that such bonds and notes shall be deemed negotiable instruments; to provide that such bonds or notes may be secured by pledge of any of the revenues of the Authority issuing them, whether the Authority's right to such revenues then exists or may thereafter come into existence and by non-foreclosable mortgage on any property of any such Authority whether then in existence or thereafter acquired; to provide that such pledge may be provided for in an indenture between the Authority issuing such bonds or notes and a trustee or by resolution providing for the issuance of the bonds or notes; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which the principal office of the Authority is located and in any other county in which there is located any property of the Authority, the revenues from which are so pledged; to provide that any such Authority may include, in any indenture or resolution authorizing the issuance of such bonds or notes, pro-

visions, not inconsistent with this Act, customarily contained in instruments securing evidence of indebtedness; to provide that bonds and notes issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, city, town or political sub-division of the state; to specify the uses to which the proceeds of revenue bonds and revenue notes issued by any such Authority may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds and notes issued by any such Authority and the income therefrom and activities, property and income of any Authority; to authorize the investment of any idle funds of any county, city or town within this state in bonds and notes issued by any such Authority; to provide that bonds and notes issued by any such Authority shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds or notes by any such Authority and specify the time after such publication within which actions and defenses may be asserted respecting such bonds or notes, or pledge or indenture securing same, or the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

By Mr. Carr:

H. 185. To amend Act No. 71, S. 94, Regular Session 1959 (Acts 1959, v. 1, p. 477), an act relating to the effective date for changes in form of municipal government.

By Mr. Crawford:

H. 155. To amend Sections 3 and 7 of Act Number 542 of the Regular Session of the Legislature of 1943 (Title 36, Sections 110 and 114, Code of Alabama 1940, recompiled 1958 edition) relating to municipal motor vehicle testing stations.

By Mr. Crawford:

H. 158. To validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama and invalid because of any irregularity in the procedure for incorporation.

By Mr. Crawford:

H. 159. To validate in certain cases elections heretofore held in municipalities or counties on the question of the issuance of bonds.

By Mr. Crawford:

H. 160. To validate in certain cases elections heretofore held in municipalities or counties for the purpose of authorizing any special tax under the Constitution.

By Mr. Metcalf:

S. 96. To amend Section 744 of Title 37 of the Code of Alabama (1940), as amended by Act No. 355, H. 510, approved August 15, 1947, which relates to the maximum amount of privilege or license tax which the several municipalities within the State may annually assess and collect for the privilege of operating telephone exchanges and long distance telephone lines within the limits of such municipalities.

By Mr. McCain:

S. 196. To amend Section 781, Title 37, Code of Alabama of 1940, which relates to a Board of Zoning Adjustment, provides for the appointment of five regular members and two supernumerary members, and defines the authority, powers and functions of such Board of Zoning Adjustment, its procedure and appeal from its decisions.

Mr. Shelton, Chairman of the Standing Committee on Public Health, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Smith (With Amendment):

S. 139. To better provide for the public health by providing for the regulation and approval of schools of nursing, for the examination, regulation and licensing of professional and practical nurses; to create and define the duties and powers of the Board of Nursing, the Advisory Council for Practical Nurses and the Advisory Committee to the Board of Nursing; to provide for the appointment and prescribe the terms of office, duties and compensation of members of such Board, Council and Committee; to provide for disciplining licensees and for appeals from decisions of the Board; to prescribe penalties for violation of the provisions of this Act; and to make appropriation for the purpose of carrying out this Act.

Mr. Shelton, Chairman of the Standing Committee on Public Health, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. McCain, Hornsby, Clark, Roberts, McDow, Carter and Nichols (With Substitute):

S. 195. To regulate the practice of psychologists in Alabama as herein defined; to create a Board to be known as the "Alabama Board of Examiners in Psychology"; to prescribe the duties and powers of said Board; to provide for the examination, licensure, and regulation of psychologists; to fix penalties for the violation of this act; to impose license fees and to provide for the use of funds received.

Mr. Shelton, Chairman of the Standing Committee on Public Health, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Clark, Carter and Tyson:

S. 206. To amend Sections 197, 199, 200 and 205, Title 46, Code of Alabama (1940), as amended, by providing for an increase from twenty-five dollars to one hundred dollars for examination for a license to practice optometry, and to increase the fee from thirty-five dollars to **one hundred fifty dollars for issue of a license to an Optometrist coming from another state to this state, and for an increase from** twelve dollars to not more than fifty dollars to renew annually the license to practice optometry.

By Messrs. Clark, Carter and Tyson:

S. 207. To amend Section 195, Title 46, Code of Alabama (1940), as amended, by providing an increase from ten dollars to thirty dollars for each day actually employed in the discharge of official duties as compensation to the members of the state board of optometry.

By Messrs. Clark, Carter and Tyson:

S. 208. To amend Sections 210 and 211, Title 46, Code of Alabama (1940), as amended, which relates to the practice of optometry in stores or business establishments, by the repeal of provisions that permit the practice of optometry to be conducted by other than professional optometrists.

Mr. Shelton, Chairman of the Standing Committee on Public Health, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Robison (Montgomery) (With Substitute):

S. 218. To amend further Code of Alabama 1940, Title 22, Sections 110 and 111, which relate to the inoculation of dogs against rabies.

Mr. Shelton, Chairman of the Standing Committee on Public Health, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Clark (With Amendment):

S. 238. To abolish the state board of health and the state committee of health as presently constituted, and to create in lieu thereof the state board of public health; to provide for the nomination and appointment and prescribe the terms, compensation, powers, duties and authority of members of the state board of public health; to transfer to the state board of public health all the rights, powers, duties, jurisdiction and authority, books, records and effects of the state board of health and the state committee on public health; and to repeal conflicting laws.

By Mr. Clark (With Amendment):

S. 239. To abolish county boards of health as presently constituted and to create in lieu thereof county boards of public health; to provide for the appointment or election of members of such boards and to prescribe their terms, compensation, powers, duties and authority; to transfer to the county boards of public health hereby created all the powers, duties, rights, jurisdiction and authority heretofore had and exercised by the county boards of health existing pursuant to Section 4, Title 22, Code of Alabama 1940 and also all the books, records and effects of such abolished boards; and to repeal said Section 4, Title 22, Code of Alabama 1940 and all other conflicting laws.

Mr. Shelton, Chairman of the Standing Committee on Public Health, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cooper (With Substitute):

S. 265. Abolishing the state board of health and the state committee of public health as presently constituted, and creating in lieu thereof the state board of public health; providing for the appointment, terms, compensation, powers, duties and authority of members of the state board of public health; fixing the jurisdiction of the state board of public health, and prescribing the powers and authority of the board; providing for the appointment, term, compensation, powers, duties and authority of the state health officer; and repealing conflicting laws.

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Engel et al (With Notice and Proof):

H. 367. To amend Act No. 161, adopted by the Alabama State Legislature on the 2nd day of August, 1957, which such Act is in substance as follows:

"To create and provide for the Water Works and Sewer Board of the City of Prichard (hereinafter referred to as the Board) a special fund to be known as 'The Water Works and Sewer Board Employees' Pension and Relief Fund'; to provide for the setting apart of such funds; to create a pension and relief system applicable to all permanent employees of such Board; to provide for the creation of such fund and for appropriation from the Board to make up any deficit therein; to provide how such funds shall be raised, acquired or gathered; to provide for the placement and handling of such funds; to provide for the hearing and determination of applications for pensions and relief hereunder, and for the drawing of warrants against said fund; to provide against such funds being subject to garnishment or levy or sale under execution or otherwise; to provide payment for disabled employees of the various departments of such Board during the term of such disability, and for the retirement of such members or employees on said pension, whether by reason of term of office or disability; to provide for the appropriation for funeral expenses upon the death of any employee of the Board; to provide for the examination by proper authorities of such members or employees in case of sickness or disability; to provide for gifts, donations, legacies to such fund and for the appointment of Trustees and for the creation of a Board of Pensions for all purposes in connection herewith. To provide penalties for the violation of the provisions of this act; and provide an effective date for this act; and to provide that the invalidity or unconstitutionality of any acts, provisions or other portion of this act shall not affect the validity of any other section, provision or other portion hereof."

By Messrs. Collins, Bailes and Vacca:

H. 171. To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in all counties having populations of not less than 500,000 according to the 1960 or any subsequent federal decennial census; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hornsby:

S. 312. Relating to insurance; further regulating cancellation or lapsing of certain insurance policies for failure to pay premiums; repealing conflicting laws.

Committee on Insurance.

By Mr. Metcalf:

S. 313. Relating to public health; to further amend Section 9 of Title 22, Code of Alabama 1940 (Title 22, Section 9, Code of Alabama, Recompiled 1958); as last amended by Act No. 357, Acts 1957, approved August 23, 1957.

Committee on Public Health.

By Mr. Bentley:

S. 314. Relating to Blount County; to fix the time of opening and closing the polls in said county.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF BILL

STATE OF ALABAMA
COUNTY OF BLOUNT

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Blount County; to fix the time of opening and closing the polls in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. In Blount County, at all elections hereafter held, the polls must be opened at each place of voting between the hours of eight and nine o'clock in the morning and shall be kept open without intermission or adjournment until the hour of six in the afternoon.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BLOUNT

Before me, the undersigned authority in and for said County in said State, this day personally appeared Rice M. Howard, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was editor of the Southern Democrat, a newspaper of general circulation published in Blount County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 20, June 27, July 4, and July 11, all in the year 1963.

RICE M. HOWARD,

Sworn to and subscribed before me July 11, 1963.

MOLLY RYAN,
Title Notary Public.

By Mr. Evans:

S. 315. Relating to Choctaw County; authorizing the court of county commissioners to fix the salary of the first and second deputies sheriff; repealing conflicting laws.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

STATE OF ALABAMA
COUNTY OF CHOCTAW

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Choctaw County; authorizing the court of county commissioners to fix the salary of the first and second deputies sheriff; repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the first deputy sheriff of Choctaw County shall be \$4,800 per annum and the salary of the second deputy sheriff

appointed under authority of Act No. 107, H. 352, Regular Session 1955 (Acts 1955, p. 353) shall be \$3,900 per annum. The court of county commissioners, board of revenue or like governing body of the county shall pay such salaries monthly by warrant drawn upon the general fund of the county.

Section 2. All laws and parts of laws and specifically that part of Act No. 107, H. 352, Regular Session 1955 (Acts 1955, p. 353) and Act No. 89, H. 120, Regular Session 1959 (Acts 1959, p. 273) in conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CHOCTAW

Before me, the undersigned authority in and for said County in said State, this day personally appeared M. Hollis Curl, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor and Publisher of the Choctaw Advocate, a newspaper of general circulation published in Choctaw County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 13, June 20, June 27, and July 4, all in the year 1963.

M. HOLLIS CURL,

Sworn to and subscribed before me July 8, 1963.

JANICE W. BLOUNT,
Title Notary Public.

By Mr. Eddins:

S. 316. To provide for actual expenses of travel to be paid the Chief Examiner and the Assistant Chief Examiner of the State Department of Examiners of Public Accounts.

Committee on Finance and Taxation.

By Mr. Tyson:

S. 317. To amend Section 1 of Act No. 126, Second Special Session 1963, relating to advisory elections in cities having populations of 200,000—300,000; prescribing the form of the statement of the question or proposition to be presented.

Committee on Local Legislation.

By Mr. Givhan:

S. 318. To define the corporate status of production credit associations organized under the laws of the United States and provide the method of taxation of such associations, and other like agencies.

Committee on Banking.

By Mr. Adams:

S. 319. To amend Act No. 217, H. 275, Regular Session 1961 (Acts 1961, p. 244), entitled "An Act To provide for and prescribe the form of government of all cities having populations of not less than 30,000 nor more than 31,500."

Committee on Local Legislation.

By Messrs. Roberts and Dumas:

S. 320. Relating to public school administration; providing further for selection, approval, adoption, purchase, and distribution of textbooks; repealing conflicting laws.

Committee on Judiciary.

RESOLUTIONS

Mr. Oden offered the following Senate Joint Resolution, to-wit:

S. J. R. 31. WHEREAS the members of the legislature were privileged to enjoy the hospitality of the Mobile Area Chamber of Commerce and the people of Mobile all of whom sponsored this most enjoyable Dauphin Island vacation during the week end of June 28th; and

WHEREAS our most gracious hosts with their well-known thoughtfulness and consideration planned and executed every phase of this most delightful period of relaxation and good fellowship with their customary success in entertaining; and

WHEREAS each member of the legislature found this vacation most enjoyable and beneficial and will long recall this true Southern hospitality with many fond memories, now therefore

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE CONCURRING, That we wish to thank the Mobile Area Chamber of Commerce, the people of Mobile, and all those who joined in making this Dauphin Island vacation such a delightful and enjoyable experience.

On motion of Mr. Oden, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Givhan, Adams, Tyson, Clark, Brannan, Evans, Robison (Pickens), Eddins, James, Lolley and McDow offered the following Senate Joint Resolution, to-wit:

S. J. R. 32. Joint Resolution Memorializing Congress to Propose and Submit to the Several States for Ratification "The Liberty Amendment" proposed in the 87th Congress, Second Session, by H. J. R. 23.

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully petition the Congress of the United States to propose and submit for ratification by the legislatures of three-fourths of the several states the following article of amendment to the Constitution of the United States:

"Article

"Section 1. The Government of the United States shall not engage in any business, professional, commercial, financial or industrial enterprise except as specified in the Constitution.

"Section 2. The constitution or laws of any State, or the laws of the United States shall not be subject to the terms of any foreign or domestic agreement which would abrogate this amendment.

"Section 3. The activities of the United States Government which violate the intent and purposes of this amendment shall, within a period of three years from the date of the ratification of this amendment, be liquidated and the properties and facilities affected shall be sold.

"Section 4. Three years after the ratification of this amendment the sixteenth article of amendments to the Constitution of the United States shall stand repealed and thereafter Congress shall not levy taxes on personal incomes, estates, and/or gifts."

BE IT FURTHER RESOLVED That duly attested copies of this resolution be immediately sent to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and to each member of the Congress of the United States from this state.

The Resolution, S. J. R. 32, was read and referred to the Standing Committee on Rules.

Mr. Carter offered the following Senate Joint Resolution, to-wit:

S. J. R. 33. RESOLVED BY THE SENATE, THE HOUSE CONCURRING, That when the two houses adjourn today, they will adjourn to meet again on Thursday, July 18, and that when they adjourn on July 18, they will adjourn to meet again on Tuesday, July 23.

On motion of Mr. Carter, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Reynolds offered the following Senate Joint Resolution, to-wit:

S. J. R. 34. BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING:

1. There shall be an interim committee composed of three representatives appointed by the Speaker of the House and two senators appointed by the President of the Senate, which committee is directed to study and determine the feasibility and practicality of rearranging the Hall of the House of Representatives and the Senate Chamber so as to isolate members and necessary clerical personnel while the house is in session by means of a glass enclosure, which would make all sessions open to public view yet closed as regards admittance of the public to the floor.

2. The committee shall elect a chairman and vice-chairman from among their number. The committee shall meet during the interim between final adjournment of the 1963 Regular Session and the convening of the 1965 Regular Session, but it shall not meet for more than ten days. The members of the committee shall be entitled to receive the same per diem compensation and allowance as for the

performance of regular legislative duties, to be paid from moneys appropriated for the payment of legislative expenses.

3. The committee may utilize the employees, services, and facilities of existing state departments, institutions, and agencies in conducting its investigations and making its recommendations.

4. The committee shall make a report of its investigations, findings, and recommendations to each house at the 1965 Regular Session.

The Resolution, S. J. R. 34, was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Mr. Adams, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Message from His Excellency, the Governor, and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Honorable Ealon M. Lambert, Opelika, Alabama, as a member of the State Board of Pardons and Paroles.

And on motion of Mr. Smith, the Senate confirmed the appointment of Honorable Ealon M. Lambert as a member of the State Board of Pardons and Paroles.

REPORT FROM RULES

Mr. Adams, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 26. Providing for continuation of the joint committee established by H. J. R. 107, Act No. 483, approved September 6, 1957, to study the problems involved in the production and processing of cotton.

On motion of Mr. Horton, the Resolution was adopted by the Senate.

REPORT FROM RULES

The Rules Committee offered the following Senate Resolution, to-wit:

S. R. 35. BE IT RESOLVED by the Senate that the following shall be the special, paramount and continuing order of business today on the call of the calendar, superseding all and any prior special, paramount and continuing orders of business:

H. 364, Page 22

H. 110, Page 20

All local bills and general bills with local application in order as they appear on the calendar

On motion of Mr. Adams, the Resolution was adopted by the

Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Perry and Morrow:

H. J. R. 85. WHEREAS our Governor, Honorable George C. Wallace appeared on yesterday before the Committee of the Senate of the United States charged with the duty of conducting hearings on the unfortunate civil rights proposals by the President to the Congress, and

WHEREAS our Governor spoke effectively, purposefully and persuasively for all of the people of Alabama, now

THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the Legislature of Alabama support the Governor in his efforts to draw the attention of all the people of the United States of America to the real content of the civil rights legislation before the Congress, and

BE IT FURTHER RESOLVED that the Legislature prays that the wise and restrained counsel of Governor Wallace go not unheeded in America and the World.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDow, the Rules were suspended and the Resolution, H. J. R. 85, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Nabors:

H. J. R. 86. WHEREAS, the special constitutional amendment election ordered to be held on Tuesday, August 13, 1963, by Act No. 91, H. 37, Second Special Session 1963, will entail unnecessary expenses for the State and the several counties in view of the fact that the amendment can be voted on at the same time as other amendments submitted at this session without detriment to the people or the public interest; and

WHEREAS, the Justices of the Supreme Court of Alabama advised the Legislature on a former occasion that there are no requirements of law as to the form that a legislative appointment of

the day for an election must take, and that the designation of the day may be incorporated in the act or resolution proposing the amendment or otherwise; and

WHEREAS, there is no prohibition in law which prevents a redesignation of a day appointed for holding the election on the constitutional amendment proposed by said Act No. 91; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That an election upon the amendment proposed by said Act No. 91 is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the 1963 Regular Session of the Legislature, and the order incorporated in said Act No. 91, Section 2, is hereby rescinded.

RESOLVED FURTHER, That the Secretary of State, the Honorable Agnes Baggett, is hereby directed to recall her certificate dated June 13, 1963, and forthwith to notify the probate judges of the several counties of this order.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 86, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Fite:

H. 568. To amend Section 657 of Title 51 of the Code of Alabama of 1940, as heretofore amended, so as to make further provisions respecting the distribution of the state gasoline excise tax.

Also:

By Mr. Fite:

H. 569. To authorize the Governor of Alabama, the Highway Director and the Director of Finance to become a corporation; to prescribe the powers of such corporation, including the power to construct public roads and bridges in the state and to finance such construction by the issuance of its bonds; to provide that such bonds and the income therefrom shall be exempt from taxation, and that such bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies and for investment of trust funds; and shall not create an obligation or debt of the state; to provide for the disposition of the proceeds of the sale of the bonds of such corporation; to make appropriation and pledge of funds necessary to pay the principal of and interest on bonds of such corporation; to authorize such corporation to pledge such funds for payment of

the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from such funds, but that said bonds will nevertheless constitute negotiable instruments; to provide that the State Treasurer shall be custodian of funds of said corporation; to confer on said corporation the power of eminent domain; and to provide for the dissolution of such corporation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 568 and 569 — to the Committee on Finance and Taxation

SPECIAL ORDERS

BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount and continuing order of business for today, the first of which was the Bill:

H. 364. To authorize Alabama State Docks Department, with the approval of the Governor, to sell and issue from time to time not exceeding \$10,000,000 principal amount of bonds in addition to those heretofore authorized; to provide that the proceeds of said bonds shall be used to provide for the retirement of all outstanding revenue securities heretofore issued by said department, for the payment of expenses of issuing said additional bonds, and for the construction, improvement and equipment of additional seaport facilities within the state; to permit the issuance hereunder of additional parity bonds, secured on a parity of lien with all bonds issued hereunder, provided the said additional parity bonds are hereafter authorized by the Legislature of Alabama; to authorize said department, with the approval of the Governor, to issue refunding bonds for the purpose of refunding any bonds issued hereunder, paying any premium necessary to redeem or retire the bonds to be refunded, and paying any expenses of issuing the refunding bonds; to provide for the details of bonds issued hereunder, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds issued hereunder shall not be or constitute a debt of the State of Alabama, shall not pledge the faith or credit of the State of Alabama, and shall be limited obligations payable solely out of revenues of said department; to designate the revenues from which the principal of and the interest on bonds issued hereunder may be made payable; to provide for and authorize the pledge of the said revenues for payment of the said principal and interest; to authorize the department to invest in direct obligations of the United States of America any funds available for the purpose of retiring any bonds issued hereunder and said outstanding revenue securities; to provide for the retirement of such outstanding revenue securities and such bonds by the deposit of cash or such obligations of the United States or both in an irrevocable trust fund, which may be administered by a corporate trustee; to authorize the publication of notice of the adoption of an order authorizing the issuance of bonds hereunder

and limiting the time within which any action may be brought to set aside or contest the validity of any such bonds or any proceedings authorizing the same or any pledge or instrument securing the same; to provide that all bonds issued hereunder and the income therefrom shall be exempt from all taxation; and to provide that bonds issued hereunder shall be deemed negotiable instruments, and may be used to secure deposits of funds of the State of Alabama or of any instrumentality or agency of the State, and shall be lawful investments for fiduciary funds; and to provide for the disposition of the revenues of the said department while any said bonds are outstanding.

Mr. Dumas offered the following substitute for the Bill, to-wit:

SUBSTITUTE FOR H. B. 364

A BILL
TO BE ENTITLED
AN ACT

To authorize Alabama State Docks Department, with the approval of the Governor, to sell and issue from time to time not exceeding \$10,000,000 principal amount of bonds in addition to those heretofore authorized; to provide that the proceeds of said bonds shall be used to provide for the refunding and retirement of outstanding revenue securities heretofore issued by said Department, for the payment of expenses of issuing said additional bonds, and for the construction, improvement and equipment of additional seaport facilities within the State; to permit the issuance hereunder of additional parity bonds, secured on a parity of lien with all bonds issued hereunder, provided the said additional parity bonds are hereafter authorized by the Legislature of Alabama; to provide for the details of bonds issued hereunder, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to authorize said Department, with the approval of the Governor, to issue its notes not exceeding \$1,000,000 in principal amount in evidence of temporary loans made to it; to provide that bonds and notes issued hereunder shall not be or constitute a debt of the State of Alabama, shall not pledge the faith or credit of the State of Alabama, and shall be limited obligations payable solely out of revenues of said Department; to designate the revenues from which the principal of and the interest on bonds and notes issued hereunder may be made payable; to provide for and authorize the pledge of the said revenues for payment of the said principal and interest; to authorize the Department to invest in direct obligations of the United States of America any funds available for the purpose of retiring said outstanding revenue securities; to provide for the retirement of such outstanding revenue securities by the deposit of cash or such obligations of the United States or both in an irrevocable trust fund, which may be administered by a corporate trustee; to authorize the publication of notice of the adoption of an order authorizing the issuance of bonds hereunder and limiting the time within which any action may be brought to set aside or contest the validity of any such bonds or any proceedings authorizing the same or any pledge or instrument securing the same; to provide that all bonds and notes issued hereunder and the income therefrom shall be exempt from all taxation; and to provide that bonds and notes issued hereunder shall be deemed negotiable instruments, and may be used to secure deposits of funds of the State of Alabama or of any instrumentality or agency of the State, and shall be lawful investments for fiduciary funds; and

to provide for the disposition of the revenues of the said Department while any of said bonds or notes are outstanding.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. When used in this Act, unless the context plainly indicates otherwise, the present tense shall include the future tense, the singular shall include the plural, the plural shall include the singular, and the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Additional parity bonds" means any bonds that may be hereafter authorized by subsequent legislation, and that are issued by the Department and secured on a parity of lien with all bonds, pursuant to any privilege reserved by the Department under the provisions of Section 4 of this Act.

"Bonds", when not preceded by any of the words "new" or "additional parity", means and includes new bonds and additional parity bonds.

"Combined system" means all seaport facilities of the Department now or hereafter acquired, and includes but is not limited to intangible properties, contracts, franchises, leases, and choses in action in connection with such seaport facilities, and all extensions, improvements and additions thereto.

"Department" means the Alabama State Docks Department established by Act No. 103 adopted at the Regular Session of 1955 of the Legislature of Alabama, and any department or agency of the State that may succeed to the functions of said Alabama State Docks Department.

"Director" means the Director of the Department or any official that may succeed to his duties.

"Governor" means the Governor of the State.

"New bonds" means the bonds authorized in Section 3 hereof.

"New system" means those portions of the combined system heretofore or hereafter acquired as follows: those seaport facilities of the Department acquired prior to June 1, 1963, pursuant to lease agreements with the City of Mobile, Alabama; and those seaport facilities of the Department acquired in whole or in part with proceeds from notes, new bonds or additional parity bonds, or outstanding revenue securities, or revenue securities heretofore refunded in whole or in part by outstanding revenue securities.

"Notes" mean notes issued hereunder.

"Old system" means those portions of the combined system not included in the new system, and includes all seaport facilities hereafter acquired which are not part of the new system.

"Order" means an order made by the Director and approved by the Governor.

"Outstanding revenue securities" means any outstanding revenue securities issued by the Department prior to the effective date of this Act.

"Seaport facility" means any improvements, including any real

or personal property, structure, or facility used or useful in promoting, developing, constructing, maintaining or operating seaports within the State.

"Secretary-Treasurer" means the secretary-treasurer of the Department, or any person that may succeed to or perform the duties of said secretary-treasurer.

"State" means the State of Alabama.

"United States" means the United States of America.

"United States securities" means securities that are direct obligations of the United States.

Section 2. Declaration of Legislative Intent. The object of this Act is to provide funds for the construction, improvement and equipment of additional seaport facilities, and to put the Department in a position to take advantage of such favorable market for public securities as may develop by providing for the refunding and retirement of outstanding revenue securities. This Act shall be liberally construed in order to effectuate its object.

Section 3. Power to Issue New Bonds. Subject to the provisions of this Act, the Department, with the approval of the Governor, may from time to time and at any time sell and issue new bonds, not exceeding \$10,000,000 in aggregate principal amount, for the following purposes: (a) to pay the reasonable and necessary expenses of issuing the new bonds, including such reasonable fees of agents and attorneys as the Department may determine to be necessary; (b) to provide funds for the construction, improvement and equipment of additional seaport facilities at a cost not exceeding \$3,000,000, provided that a part of such sum not exceeding \$1,000,000 may be used to repay or fund any notes that may have been issued by the Department since July 1, 1963 in evidence of temporary loans made to it for the construction and equipment of additional seaport facilities; and (c) to refund and provide for the retirement of all or such part of the outstanding revenue securities as the Director with the approval of the Governor shall determine will be advantageous, for which purpose not exceeding \$7,000,000 of the proceeds of the new bonds may be used. Proceeds from the new bonds shall be deemed to be applied for the refunding and retirement of outstanding revenue securities, within the contemplation of clause (c) of this section, not only if such proceeds are applied directly for that purpose but also if they are deposited in one or more irrevocable trust funds established pursuant to Section 12 hereof which, with the interest to be paid by the United States on any such United States securities, will be sufficient to effect retirement, by payment of principal, interest and any necessary redemption premiums, of those of the outstanding revenue securities that the Director with the approval of the Governor shall determine will be advantageous.

Section 4. Additional Parity Bonds May be Hereafter Authorized. In any order under which new bonds may be issued the Department may reserve the privilege of issuing, upon compliance with such conditions as may be specified in said order, additional parity bonds, secured on a parity of lien with the bonds at any time outstanding; provided that no additional parity bonds shall be issued pursuant to any such reserved privilege unless such additional parity bonds shall have been authorized by the Legislature of Alabama. Additional

parity bonds so issued shall be payable out of the same revenues as the bonds, and shall be secured by a pledge of the revenues herein authorized to be pledged for the bonds on a parity with all pledges of said revenues for the benefit of the bonds theretofore and thereafter issued. The limitation set forth in Section 3 hereof on the principal amount of bonds that may be issued pursuant to that section shall not apply to additional parity bonds.

Section 5. Temporary Loans. The Department, with the approval of the Governor, may from time to time issue its interest-bearing notes not exceeding \$1,000,000 in aggregate principal amount, to mature not later than six months from the date of their issuance, and to be executed in the same manner that bonds are hereinafter in Section 7 authorized to be executed. Such notes may be sold at public sale as the Department may direct, and shall be repayable solely from the revenues which the Department is herein authorized to pledge for payment of its bonds, and also from the proceeds of any securities that may subsequently be issued to retire or fund such notes.

Section 6. Details Respecting the Bonds. The bonds may be issued in one or more series, shall be in such forms and denominations and of such tenor, shall mature in annual installments the first of which shall mature not later than one (1) year and the last of which shall mature not later than twenty (20) years from their respective dates, provided that the largest installment of principal and interest maturing thereon in any one year shall not exceed twice the preceding smallest installment of principal and interest maturing in any prior year, shall bear such rate or rates of interest payable and evidenced in such manner, all as may be provided in the order or orders of the Director wherein any of the bonds are authorized to be issued; provided, that no such order shall be valid without the written approval of the Governor. Said order or orders may provide for any or all of the following: The use and disposition of the revenues of the Department; the setting aside of reserves for the bonds; the disposition and administration of any such revenues and reserves; the order in which the bonds shall be payable; limitations on the purpose or purposes to which the proceeds of sale of any of the bonds may be applied; the procedure, if any, by which the terms of any contract with the holders of any such bonds may be amended or abrogated; the amount of bonds the holders of which must consent to such amendment or abrogation; the manner in which such consent may be given; and any other provisions not inconsistent with this Act. The Department shall have the power to prescribe, in the order under which the first series of the bonds are issued, the terms and conditions under which bonds may thereafter be issued for the purposes described in Section 4 of this Act. The Department may at its election retain in the order or orders under which any of the bonds are issued an option to redeem all or any thereof at such redemption price or prices and after such notice or notices and on such terms and conditions as may be set forth in said order or orders and as may be briefly recited in the face of the bonds with respect to which such option of redemption is retained. Any of the bonds having stated maturities more than five years after the date thereof shall be made subject to redemption at the option of the Department not later than the end of the fifth year after the date thereof and on any interest payment date thereafter, under such terms and conditions as may be provided in the order or orders authorizing the issuance of such bonds. The redemption price or prices of bonds shall not exceed the principal amount thereof plus any unpaid interest thereon to the date fixed for redemption, plus a premium which shall not exceed twelve (12) months' interest thereon.

Section 7. Execution of the Bonds. The bonds shall be issued in the name of the Department and shall be signed by the Director, and the seal of the Department shall be impressed thereon and attested by the Secretary-Treasurer, and all interest coupons applicable to the bonds shall be signed by the Director; provided, that the signature of one, but not of both, of said officers may be printed or otherwise reproduced in facsimile on any of the bonds in lieu of their being manually signed, the signature of the Director may be printed or otherwise reproduced in facsimile on the interest coupons in lieu of their being manually signed, and the seal of the Department may be printed or otherwise reproduced in facsimile on the bonds in lieu of being manually impressed thereon, all as may be provided in the order under which the bonds are issued.

Section 8. Sale of the Bonds. Any of the bonds may be sold at any time and from time to time as the Director, with the approval of the Governor, may deem advantageous. The bonds must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the Department for the bonds being sold, computed from the date of those at the time being sold to their respective maturities; provided, that if no bid acceptable to the Department is received, it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper then published in the State and which is customarily published not less than five days during each calendar week, each of which notices must be published one time not less than ten days prior to the date fixed for the sale. The terms and conditions under which each such sale may be held shall be fixed in an order; provided, that none of the bonds may be sold for a price less than the face value thereof plus accrued interest thereon to the date of their delivery; and provided further, that such terms and conditions shall not conflict with any of the requirements of this Act. Approval by the Governor of the terms and conditions under which any of the bonds may be issued shall be requisite to their validity. Such approval shall be entered on the order by which the bonds proposed to be issued are authorized, which shall be signed by the Governor. Such approval by the Governor may be shown on any series of the bonds by a facsimile of his signature printed or otherwise reproduced thereon when authorization of such action is contained in the said approval signed by him. Neither a public hearing nor consent by the Department of Finance of the State or any other department or agency shall be a prerequisite to the issuance of any of the bonds.

Section 9. Bonds and Notes to be Limited Obligations; Pledge Therefor. The bonds and notes shall never be or constitute a debt of the State within the meaning of any constitutional provisions, and neither the faith nor the credit of the State shall ever be pledged or utilized therefor. The bonds and notes shall not be general obligations of the State or of the Department, but shall be payable solely out of revenues of the Department as herein provided. So long as any of the bonds or notes shall remain outstanding no part of the gross revenues from the new system shall be credited to or paid into the sinking fund for the Harbor Improvement Bonds of the State heretofore issued, or used to pay the expenses of administering the Department or operating or maintaining the old system. So long as any of the bonds or notes remain outstanding, the expenses of operating the new system shall be paid out of the gross revenues from the old system remaining after providing for payment therefrom of (a) the amounts required to be paid during the then current fiscal

year into the sinking fund for the said Harbor Improvement Bonds, (b) the reasonable and necessary expenses payable during the then current fiscal year of administering the Department and maintaining and operating the old system, and (c) obligations payable by the Department during the then current fiscal year under valid leases at the time in effect and other then valid commitments of the Department, and to the extent the said remaining revenues from the old system shall not be sufficient in any fiscal year to pay the operating expenses of the new system, the said operating expenses of the new system shall be paid out of the gross revenues from the new system remaining after providing for payment of the principal and interest maturing on the bonds and notes during the same fiscal year. The principal of and interest on the bonds and notes shall be payable out of the gross revenues from the new system and, if the gross revenues from the new system should during any fiscal year be insufficient to pay at their respective maturities the principal of and interest on the bonds and notes, the said principal and interest shall be payable out of the aforesaid gross revenues from the old system remaining after providing for the items referred to in clauses (a), (b) and (c) of the preceding sentence. Any order authorizing the issuance of bonds or notes may pledge for payment of the principal thereof and interest thereon the revenues out of which they are payable.

Section 10. Notice of Order Authorizing Issuance of Bonds. Upon the entry of any order providing for the issuance of bonds, the Department may, in the discretion of the Director, cause to be published once a week for two consecutive weeks, in a newspaper that is customarily published in the State not less than five days in each calendar week, a notice in substantially the following form (the blanks being properly filled in), to be signed with the printed signature of the Director: "Alabama State Docks Department, an agency of the State of Alabama, on the day of, 19....., made an order providing for the issuance of \$..... principal amount of bonds of the Department for the following purpose or purposes: (Here shall be inserted a brief and general description of the purpose of the issue). Said bonds are payable solely from revenues of the Department as described in said order. Any action or proceeding questioning the validity of said order or of the said bonds, or the pledge or any instruments securing said bonds, must be commenced within twenty days after the first publication of this notice., Director of Alabama State Docks Department." Any action or proceeding in any court to set aside or question the order for the issuance of the bonds referred to in said notice or to contest the validity of any such bonds or the validity of the pledge and any instruments made to secure such bonds must be commenced within twenty days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attacking the validity of the said order, the said bonds or the said pledge or instruments shall be asserted, nor shall the validity of the said order, bonds, pledge or instruments be open to question in any court on any ground whatsoever except in an action commenced within such period.

Section 11. The Bonds and Notes and the Income Thereon Exempt from Taxation; the Bonds and Notes shall be Deemed Negotiable, and May be Used to Secure Deposits and for Investment of Fiduciary Funds. The bonds and the notes and the income therefrom shall be exempt from all taxation in the State. The bonds and the notes, when unregistered, shall be construed to be negotiable instruments although payable solely from a specified source as herein provided.

Any of the bonds and notes may be used by the holder thereof as security for the deposit of any funds belonging to the State or to any instrumentality or agency of the State in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law, invest trust or any fiduciary funds in any of the bonds and notes.

Section 12. Provisions for Retirement of the Bonds and Outstanding Revenue Securities; Authorization to Invest in United States Securities for that Purpose. The Department may, in the discretion of the Director, provide for the retirement of outstanding revenue securities refunded hereunder by investing in United States securities, pending any date or dates on which such retirement can be consummated, proceeds of new bonds issued for that purpose, and also any other available funds of the Department including reserves or other special funds applicable to the outstanding revenue securities to be retired. The Department may provide for any such retirement by depositing cash or United States securities, or both, in one or more irrevocable trust funds, may enter into one or more irrevocable trust agreements with a corporate trustee for the administration of such trust funds and the use of all or any part of the interest income thereon to effect such retirement, and may pay reasonable compensation to such trustee thereunder. The Secretary-Treasurer may purchase United States securities, make such deposit of cash or United States securities or both, and take all other actions necessary to carry out the provisions of any order providing therefor.

Section 13. Severability Clause. In the event any section, sentence, clause or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act, which shall continue effective.

Section 14. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Which was adopted.

Yeas 30; Nays 0.

Yeas:

Messrs.	Eddins	Lolley	Roberts
Adams	Evans	Lowe	Robison (Pickens)
Bentley	Gilchrist	Mathews	Shelton
Brannon	Givhan	McCain	Smith
Carter	Hawkins	McDow	Taylor
Clark	Hornsby	Metcalf	Tyson
Cooper	Horton	Oden	Wilson
Dumas	James	Reynolds	

—30

Nays:

—0

And said Bill, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 23; Nays 7.

Yeas:

Messrs.	Eddins	Lolley	Reynolds
Adams	Evans	Lowe	Roberts
Bentley	Givhan	Mathews	Smith
Brannon	Hornsby	McDow	Taylor
Clark	Horton	Metcalf	Tyson
Cooper	James	Oden	Wilson

—23

Nays:

Messrs.	Dumas	Hawkins	Robison (Pickens)
Carter	Gilchrist	McCain	Shelton

—7

The Bill:

H. 110. To implement the provisions of that certain Constitutional Amendment that was proposed by Act No. 151 adopted at the 1957 Regular Session of the Legislature of Alabama and that authorizes the State to engage in works of internal improvements by promoting, developing, constructing, maintaining and operating along navigable streams and waterways of Alabama all manner of docks and facilities of every kind, in aid of commerce and use of waterways of the State, and to incur indebtedness and issue bonds for said purpose; to authorize the State to engage in such works of internal improvement at an additional cost of not exceeding \$2,000,000; to designate the Alabama State Docks Department and any department or agency of the State that may succeed to its functions as the Agency to undertake, manage, operate and control such developments and improvements; to prescribe the powers, duties and authority of said Department in connection therewith; to authorize the State to become indebted to the extent of not exceeding \$2,000,000 in principal amount to carry out the provisions of this Act and to issue its interest bearing direct general obligation bonds therefor; to prescribe in general the terms of such bonds and the method and manner of the sale and issuance thereof; to exempt the same and the interest thereon from taxation; to provide for the payment for any indebtedness evidenced by bonds issued pursuant to this Act and to pledge the full faith and credit of the State to the payment of such indebtedness; to provide for the refunding of any bonds issued under the said Constitutional Amendment; to provide for investment of the proceeds of any bonds issued hereunder and other funds received under this Act, pending the need for such funds; to provide for the use of funds obtained from the operation of improvements constructed with proceeds of any bonds issued under the provisions of said Constitutional Amendment; to make appropriation for payment of the principal of and interest on bonds issued under the said Constitutional Amendment from the General Fund of the State; to provide for the acquisition of property for the purposes of this Act and for the exercise of the power of eminent domain with regard thereto; to prescribe the powers and duties of the Governor, the said Department and other officers of the State in carrying out the provisions of this Act; to authorize the said Department to fix and collect reasonable rates and charges for services rendered by, and for use of, facilities established pursuant to this Act; and to require the maintenance of records of the total cost of, the gross revenues from, and the expenses of operating, each unit of development acquired, constructed, or operated pursuant to

the provisions of this Act or Act No. 311 adopted at the 1957 Regular Session of the Legislature, Act No. 98 adopted at the 1959 Regular Session of the Legislature or Act No. 716 adopted at the 1961 Regular Session of the Legislature; and to provide that surplus revenues derived from operation of the state docks facilities at the Port of Mobile may be used to meet operating deficits of the facilities constructed under said Constitutional Amendment.

was taken up.

Mr. Dumas offered the following amendment to the Bill, to-wit:

AMENDMENT TO H. B. 110

Section 8 of said bill is amended by striking out the clause in the fourth sentence which reads as follows:

"provided, that the first installment of principal of the bonds of each series must mature not later than ten years from the date of such series and the last installment of principal of the bonds of any series must mature not later than thirty years from such date;"

and

Insert in lieu thereof the following:

"provided that the first installment of principal of bonds of each series must mature not later than three years from the date of such series and the last installment of principal of bonds of such series shall mature not later than twenty years from such date; and provided further that the total principal and interest maturing on the bonds of any series in any one year shall not exceed twice the smallest amount of such principal and interest maturing in any preceding year;"

House Bill 110 is hereby further amended by striking out the words "Refunding Bonds and" in the title to Section 13 of said bill and by striking out the first two sentences thereof.

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Pickens)
Bentley	Givhan	McCain	Shelton
Brannon	Hawkins	McDow	Smith
Clark	Hornsby	Metcalf	Taylor
Cooper	Horton	Oden	Tyson
Dumas	James	Reynolds	Wilson
Eddins	Lolley		

—29

Nays:

—0

Mr. Dumas then offered the following amendment to the Bill, H. B. 110, as amended, to-wit:

AMENDMENT TO H. B. 110

Strike clause (c) in the next to last sentence of Section 1 of said bill (which clause appears in the definition of "Surplus revenues of the Port of Mobile facilities") and insert in lieu thereof the following:

"and (c) the obligations and agreements on the part of the department which may have been made in any order of the department providing for issuance of any securities at the time outstanding which were theretofore issued by the department or by the State and for the payment of which revenues from the Port of Mobile facilities were pledged."

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Reynolds
Bentley	Gilchrist	Mathews	Roberts
Brannon	Givhan	McCain	Robison (Pickens)
Carter	Hawkins	McDow	Shelton
Clark	Hornsby	Metcalf	Taylor
Cooper	Horton	Montgomery	Tyson
Dumas	James	Oden	Wilson
Eddins	Lolley		

—29

Nays:

—0

Mr. Roberts then offered the following amendment to the Bill, H. B. 110, as amended, to-wit:

AMENDMENT TO H. B. 110

Amend H. B. 110 by deleting Section 15 in its entirety and inserting in lieu thereof:

"Section 15. Use of Surplus Revenue of the Port of Mobile Facilities to Pay Operating Deficit of Inland Waterways Facilities. If at the end of any fiscal year there are surplus revenues of the Port of Mobile facilities with respect to that fiscal year and an operating deficit of the inland waterways facilities with respect to that fiscal year then any such surplus revenues shall be used to meet any such operating deficit."

Which was adopted.

Yeas 31; Nays 0.

Yeas:

Messrs.	Cooper	Hawkins	Mathews
Adams	Dumas	Hornsby	McCain
Bentley	Eddins	Horton	McDow
Brannon	Evans	James	Metcalf
Carter	Gilchrist	Lolley	Montgomery
Clark	Givhan	Lowe	Oden

Reynolds	Robison (Pickens)	Smith	Tyson
Roberts	Shelton	Taylor	Wilson

—31

Nays:

—0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 30; Nay 1.

Yeas:

Messrs.	Eddins	Lolley	Reynolds
Adams	Evans	Lowe	Roberts
Bentley	Gilchrist	Mathews	Robison (Pickens)
Brannon	Givhan	McCain	Smith
Carter	Hawkins	McDow	Taylor
Clark	Hornsby	Metcalf	Tyson
Cooper	Horton	Montgomery	Wilson
Dumas	James	Oden	

—30

Nay:

Mr. Shelton —1

The Bill:

H. 446. To vacate certain streets, avenues and alleys, and other public ways in part of the area in the City of Birmingham known as Urban Renewal Project Ala. R-22, occupying part of the area west of Avenue "V", North of Pike Road, East of Avenue "J" and South of Twentieth Street, Ensley.

was taken up.

Mr. Dumas offered the following amendment to the Bill, to-wit:

AMENDMENT TO H. B. 446

House Bill 446 is hereby amended by adding at the end of Section 1 thereof the following:

"Such vacation shall be subject to the rights of existing public utilities on such streets, avenues, alleys, public highways and public passageways to operate, repair and maintain their lines as now located."

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Hammond	McCain	Robison (Pickens)
Brannon	Hawkins	McDow	Shelton
Carter	Hornsby	Metcalf	Smith
Clark	Horton	Montgomery	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Shelton
Carter	Hornsby	Metcalf	Smith
Clark	Horton	Montgomery	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 352. To alter or re-arrange the boundary lines of the City of Gadsden, Etowah County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Etowah County, Alabama.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Pickens)
Bentley	Givhan	McCain	Shelton
Brannon	Hammond	McDow	Smith
Carter	Hawkins	Metcalf	Taylor
Clark	Hornsby	Montgomery	Tyson
Eddins			

—24

Nays:

—0

The Bill:

H. 480. To amend further Act No. 541, H. 512, Regular Session 1951, an act providing for the allocation of the duties of the chairman and members of the city commission of certain cities classified on a population basis and providing for their compensation.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Carter	Cooper	Eddins
Brannon	Clark	Dumas	Hammond

Hawkins	McCain	Oden	Smith
Hornsby	McDow	Reynolds	Taylor
Horton	Metcalf	Robison (Pickens)	Tyson
James	Montgomery	Shelton	Wilson
Lolley			

—24

Nays:

—0

The Bill:

H. 489. Providing further for the construction, maintenance and repair of roads and bridges in Lauderdale County; relieving the state highway department of certain duties relative to such construction, maintenance and repair; transferring such duties to the county governing body of Lauderdale County; providing for the transfer from the state highway department to the Lauderdale County governing body of certain funds, road equipment, machinery and supplies; providing for the assumption and retirement of outstanding debts incurred in the construction, maintenance and repair of Lauderdale County roads and bridges; requiring roads and bridges of Lauderdale County to be constructed, maintained and repaired on the basis of the county as a unit; providing for and requiring the appointment of a county engineer; repealing Act No. 30, H. 69, Regular Session of 1953 (Acts 1953, p. 32) and other conflicting laws; and providing that this act shall become operative only if approved at a referendum held in Lauderdale County, as herein provided.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Shelton
Bentley	Givhan	McCain	Smith
Clark	Horton	Montgomery	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 490. Relating to Lauderdale County, providing for additional meetings of the board of registrars.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Carter	Gilchrist	Horton
Adams	Clark	Givhan	Lowe
Bentley	Eddins	Hammond	Mathews
Brannon	Evans	Hawkins	McCain

McDow	Roberts	Shelton	Taylor	
Metcalf	Robison (Pickens)	Smith	Tyson	
Montgomery				—24

Nays:

The Bill:

H. 491. To change the method of compensating certain officers of Lauderdale County, placing such officers on a salary basis, and providing for the operation of their offices on such basis.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Hammond	McCain	Robison (Pickens)	
Brannon	Hawkins	McDow	Shelton	
Carter	Hornsby	Metcalf	Smith	
Clark	Horton	Montgomery	Taylor	
Cooper	James	Oden	Tyson	
Dumas	Lolley	Reynolds	Wilson	
Eddins				—24

Nays:

The Bill:

S. 246. Proposing a constitutional amendment relating to the City of Bayou La Batre in Mobile County.

Was read a third time at length as required by the Constitution, and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts	
Adams	Hawkins	McDow	Shelton	
Carter	Hornsby	Metcalf	Smith	
Clark	Horton	Montgomery	Taylor	
Cooper	James	Oden	Tyson	
Dumas	Lolley	Reynolds	Wilson	
Eddins				—24

Nays:

The Bill:

H. 506. Relating to the first judicial circuit of Alabama; regulating and prescribing the qualifications of persons engaged in the bail bond business in such circuit; repealing conflicting laws.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Pickens)
Bentley	Givhan	McCain	Shelton
Brannon	Hammond	McDow	Smith
Carter	Hawkins	Metcalf	Taylor
Clark	Hornsby	Montgomery	Wilson
Cooper			

—24

Nays:

—0

The Bill:

S. 255. To fix and regulate the payment of the compensation and expenses of members of the county board of education of every county which has a population of not less than 50,000 nor more than 54,000.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Shelton
Bentley	Givhan	McCain	Smith
Clark	Horton	Montgomery	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 258. For the relief of W. O. Cobb of Madison County; authorizing the board of county commissioners, board of revenue, or other like governing body of Madison County to make an appropriation of county funds to compensate W. O. Cobb for certain damages.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Clark	Hammond	McCain
Adams	Cooper	Hawkins	McDow
Bentley	Evans	Hornsby	Metcalf
Brannon	Gilchrist	Lowe	Montgomery
Carter	Givhan	Mathews	Roberts

Robison (Pickens)	Taylor	Tyson	Wilson	
Shelton				—24

Nays:

—0

The Bill:

S. 259. For the relief of H. E. McBride of Madison County; authorizing the board of county commissioners, board of revenue, or other like governing body of Madison County to appropriate county funds for such purpose.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Hammond	McCain	Roberts	
Brannon	Hawkins	McDow	Shelton	
Carter	Hornsby	Metcalf	Smith	
Clark	Horton	Montgomery	Taylor	
Cooper	James	Oden	Tyson	
Dumas	Lolley	Reynolds	Wilson	
Eddins				—24

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Rogers, Edington, Hogan and Engel:

H. 417. To amend Act No. 100, H. 94, Second Special Session 1959, entitled "An Act To raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented," so as to provide an exemption from such taxes on sales of fuel and supplies for use or consumption on certain ships and towing vessels.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time at length as required by the Constitution and referred to appropriate Standing Committee, as follows:

H. B. 417 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Goodwyn:

H. 333. An Act providing for the recovery of damages from the parents of minors under eighteen years of age for willful or malicious destruction of property; limiting the amount to Five Hundred and No/100 Dollars (\$500.00), but not limiting the liability of parents as the same may otherwise exist.

Also:

By Messrs. Rast, Bowers, Bailes, Sessions, Locke, Meeks, Etheredge, Gilmore, Vacca, Perry, Goodwyn, Pierce, Jones (Covington) and Bethea (M):

H. 516. To propose an amendment to the Constitution of Alabama to authorize the State to become indebted and issue its general obligation bonds in a principal amount not exceeding \$200,000 for the purpose of financing the construction, reconstruction, alteration and improvement of school facilities, including the construction and equipment of a gymnasium, for the Alabama Boys Industrial School.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 333 — to the Committee on Judiciary

H. B. 516 — to the Committee on Finance and Taxation

(The above-numbered Bill, H. B. 516, was read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 11. To amend further Code of Alabama 1940, Title 13, §§ 31 and 33, relating to supernumerary justices of the supreme court.

Also:

H. 263. To amend Code of Alabama 1940, Title 40, Section 1, relat-

ing to the appointment of commercial notaries public in each county of the State; providing for their appointment by the judges of probate of the several counties.

Also:

H. 265. To amend Section 1 of Act No. 431, S. 155, Regular Session 1943 (Acts 1943, p. 400) further providing for the appointment of notaries public for the state at large.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 84. Relative to General Walter J. (Crack) Hanna.

Also:

H. J. R. 82. Relative to expressing regret at the passing of the Honorable Vernol R. Jansen, Sr.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 85. Relative to the appearance of Governor George C. Wallace before the Committee of the Senate of the United States.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution; the title of which is set out in the foregoing message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 260. For the relief of Sammy White of Madison County; authorizing the board of county commissioners, board of revenue, or other like governing body of Madison County to make an appropriation of county funds to compensate Sammy White for certain damages.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Reynolds
Adams	Gilchrist	Mathews	Roberts
Bentley	Givhan	McCain	Smith
Clark	Horton	McDow	Taylor
Cooper	James	Metcalf	Tyson
Dumas	Lolley	Oden	Wilson
Eddins			—24

Nays:

—0

The Bill:

S. 262. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Gordon, Houston County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Reynolds
Adams	Gilchrist	Mathews	Roberts
Bentley	Givhan	McCain	Robison (Pickens)
Brannon	Hammond	McDow	Shelton
Carter	Hawkins	Metcalf	Smith
Clark	Hornsby	Montgomery	Wilson
Eddins			—24

Nays:

—0

The Bill:

H. 387. Relating to Madison County; authorizing the sheriff to appoint deputies as needed, whose compensation may be paid by the county; repealing conflicting laws.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Hammond	McCain	Roberts
Brannon	Hawkins	McDow	Robison (Pickens)
Carter	Hornsby	Metcalf	Smith
Clark	Horton	Montgomery	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 404. Relating to counties having populations of not less than 300,000 nor more than 500,000; to provide further for fixing valuations of real property for ad valorem taxation.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Reynolds
Adams	Gilchrist	Mathews	Roberts
Bentley	Givhan	McCain	Robison (Pickens)
Clark	Horton	Metcalf	Shelton
Cooper	James	Montgomery	Tyson
Dumas	Lolley	Oden	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 448. To apply in Mobile County, Alabama, and requiring the payment to Mobile County by payment to the License Commissioner of Mobile County; in addition to all other licenses and taxes required by law, save as specifically in this Act excepted; of a license tax equal to four cents on each twelve fluid ounces, or fractional part thereof, of malt or brewed beverages sold, distributed, delivered, or taken out of storage, within such County; to provide for the payment of

such license tax and to provide the machinery for the collection thereof and the operation of this Act; and to provide for the distribution of the proceeds of such license tax; and to provide for the enforcement of this Act, and prescribe penalties and fix punishment for the violation of any of the provisions of this Act; and to provide for the confiscation and destruction of malt or brewed beverages and their containers when distributed, offered for sale, or possessed by a retail dealer, which do not have affixed a decal or other device indicating the payment of the license tax levied by this Act; and to repeal Act No. 415 of the Acts of the Legislature of Alabama of 1947, published in the local Acts of Alabama of 1947 at pages 265-270; as amended by Act No. 622 of Acts of the Legislature of Alabama of 1951, published in the Acts of 1951 at pp. 1074-1076; and to declare ineffective, determined and at an end, all ordinances, presently existing, of any and all municipal corporations in the said County of Mobile levying and providing for the collection of a license tax on malt or brewed beverages.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Pickens)
Bentley	Givhan	McCain	Shelton
Brannon	Hammond	McDow	Smith
Carter	Hawkins	Metcalf	Taylor
Clark	Hornsby	Montgomery	Tyson
Cooper			

—24

Nays:

—0

The Bill:

H. 493. Relating to counties having populations of not less than 15,400 nor more than 16,000; fixing the compensation of the county or deputy solicitor in such counties.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	Lolley	Reynolds
Brannon	Hammond	McCain	Shelton
Carter	Hawkins	McDow	Smith
Clark	Hornsby	Metcalf	Taylor
Cooper	Horton	Montgomery	Tyson
Dumas	James	Oden	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 509. Relating to the town of Newton, in Dale County: exempting certain farm land and appurtenances from municipal ad valorem taxation so long as the same is used for farm purposes.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Pickens)
Bentley	Givhan	McCain	Smith
Clark	Horton	Metcalf	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 513. To authorize, direct and require the Commissioner of Revenue to collect any sales and use taxes now or hereafter levied by the City of East Brewton, Escambia County, Alabama under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said city; and to prescribe the powers, duties and authority of the Commissioner of Revenue, the State Department of Revenue and the State Comptroller with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Reynolds
Adams	Gilchrist	Mathews	Roberts
Bentley	Givhan	McCain	Robison (Pickens)
Brannon	Hammond	McDow	Shelton
Carter	Hawkins	Metcalf	Smith
Clark	Hornsby	Montgomery	Taylor
Cooper			

—24

Nays:

—0

The Bill:

H. 515. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Boligee, in the County of Greene, State of Alabama; and to prescribe the time when this act shall become effective.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Hammond	McCain	Robison (Pickens)
Brannon	Hawkins	McDow	Shelton
Carter	Hornsby	Metcalf	Smith
Clark	Horton	Montgomery	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 528. To repeal Act No. 132, H. 112, approved September 21, 1959 (Acts of Alabama 1959, vol. 1, p. 654), entitled, "An Act To apply to Pickens County; regulating further the taking of fish from public streams and impounded waters; authorizing the taking of cat-fish by the use of baskets on which a privilege license tax has been paid; prohibiting the sale of fish so taken."

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Reynolds
Adams	Gilchrist	Mathews	Roberts
Bentley	Givhan	McCain	Robison (Pickens)
Clark	Horton	McDow	Taylor
Cooper	James	Metcalf	Tyson
Dumas	Lolley	Oden	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 529. Relating to Pickens County; providing for coverage of the employees of the county under the Workmen's Compensation Act.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Oden
Adams	Gilchrist	Mathews	Roberts
Bentley	Givhan	McCain	Robison (Pickens)
Brannon	Hammond	McDow	Shelton
Carter	Hawkins	Metcalf	Smith
Clark	Hornsby	Montgomery	Taylor
Cooper			

—24

Nays:

—0

The Bill:

H. 463. To alter and re-arrange the boundary lines of the City of Mountain Brook, Alabama, so as to include within the corporate limits of said City, all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Hammond	McCain	Robison (Pickens)
Brannon	Hawkins	McDow	Shelton
Carter	Hornsby	Metcalf	Smith
Clark	Horton	Montgomery	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			—24

Nays:

—0

The Bill:

H. 487. Relating to the court fees and costs of the Court of Common Claims of Jefferson County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Reynolds
Adams	Gilchrist	Mathews	Roberts
Bentley	Givhan	McCain	Robison (Pickens)
Clark	Horton	McDow	Taylor
Cooper	James	Metcalf	Tyson
Dumas	Lolley	Oden	Wilson
Eddins			—24

Nays:

—0

The Bill:

H. 488. Relating to the court fees and costs of the Jefferson County Civil Court.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Dumas	Hornsby	Montgomery
Adams	Evans	Lowe	Roberts
Bentley	Gilchrist	Mathews	Robison (Pickens)
Brannan	Givhan	McCain	Shelton
Carter	Hammond	McDow	Smith
Clark	Hawkins	Metcalf	Taylor
Cooper			

—24

Nays:

—0

The Bill:

H. 512. To repeal Act No. 657, H. 1385, Regular Session 1961 (Acts 1961, p. 799), an act which levies sales and use taxes in Elmore County.

was taken up.

Mr. Hornsby offered the following amendment to the Bill, to-wit:

AMENDMENT TO H. B. 512

Strike out Section 3 of the bill and insert in lieu thereof the following:

Section 3. This Act shall become effective on the first day of the month succeeding the month during which the Act shall be approved by the Governor, or otherwise becomes a law.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Hammond	McCain	Robison (Pickens)
Brannon	Hawkins	McDow	Shelton
Carter	Hornsby	Metcalf	Smith
Clark	Horton	Montgomery	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lolley	Reynolds
Adams	Gilchrist	Lowe	Roberts
Bentley	Givhan	Mathews	Smith
Clark	Hornsby	McCain	Taylor
Cooper	Horton	Montgomery	Tyson
Dumas	James	Oden	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 243. Relating to Walker County; providing for and establishing a central purchasing system for the county, and for all officers, offices, departments, and instrumentalities of the county, including the county board of education and public hospitals.

was taken up.

The Standing Committee on Local Legislation reported the following substitute for the Bill, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Walker County; providing for and establishing a central purchasing system for the county, and for all officers, offices, departments, and instrumentalities of the county, including public hospitals but excluding the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. In Walker County, after this Act takes effect, the court of county commissioners, board of revenue, or other like county governing body by whatever name called shall have authority:

1) To establish standard specifications for supplies, equipment, and materials used by the county officials, offices, and departments;

2) to operate a central storeroom;

3) to require county officers, offices, and departments to prepare estimates of requirements;

4) to transfer among the county officers, offices, and departments surplus supplies, equipment, and materials, or to sell surplus or obsolete items after receiving at least three competitive bids upon such surplus or obsolete items;

5) to promulgate reasonable rules and regulations governing the acquisition of supplies, materials, and equipment, or the disposal of surplus or obsolete personal property in behalf of the county.

Section 2. The court or board shall obtain at least three written, sealed competitive bids for all purchases of or contracts for, supplies, equipment, materials, and contractual services when the amount involved is two hundred fifty dollars (\$250) or more. If the purchase or contract involves an amount of less than two hundred fifty dollars (\$250), the purchase may be made either upon the basis of sealed bids or in the open market; but, so far as practicable, such purchases or contracts shall be based upon at least three competitive bids. It shall be a violation of the section to divide or otherwise adjust the quantity of a purchase to an amount less than two hundred fifty dollars (\$250) for the purpose of evading this section. Invitations for bids shall be posted on a bulletin board in the county courthouse and sent to prospective suppliers at least one week before the final

date for submitting bids. The invitations shall specify requirements of the bidders and whether an exchange or trade-in is contemplated. Bids shall be opened publicly at a time and place stated in the invitations. The lowest responsible bidder shall be awarded the contract; provided, that local vendors and suppliers may be given preference if all other conditions are substantially equal.

In an emergency arising from any unforeseen causes, including delay by contractors, delay in transportation, breakdown in machinery or other work stoppage, and unanticipated volume of work, the purchasing authority may negotiate a purchase costing two hundred fifty dollars (\$250) or more by soliciting three competitive bids informally, either verbally or by telephone, telegraph, or letter and without obtaining information from the division of purchases and stores.

The provisions of this Act regarding three competitive bids and obtaining information from the division of purchases and stores may also be waived in cases of emergency involving actual danger to life or property, and for purchases of perishable commodities, items and services of a technical or specialized nature, utility services, insurance, and commodities or services for which there is no competitive situation.

The provisions of this Act requiring purchases to be made through the county commission or board may be waived in the case of small purchases costing no more than ten dollars (\$10), provided that no such purchase is part of a larger purchase which has been divided for the purpose of coming within this exception.

All county officers, and all county offices and departments shall inspect, upon delivery, all materials, supplies, and equipment purchased for him or it, and no item shall be accepted and paid for without having been approved by the officer, office, or department requesting the purchase. Any official or person who purchases or procures any supplies, materials, equipment, or services contrary to the provisions of this section shall be personally liable for the amount of such purchase.

Section 3. Supplies, materials, equipment, and services shall be furnished to the county officers, offices, departments, and instrumentalities only upon written requisition setting forth the articles needed, signed by the officer authorized by law to give the order. The requisition shall state by items the articles that are desired and needed, that the articles are necessary, that the amount of the requisition is not excessive, and that no part of the articles will be used except in conducting the public business. The requisitions, with the purchase invoices attached, shall be kept on file in the office of the purchasing authority, in an orderly manner, as a permanent record subject to public inspection at all reasonable times.

Section 4. The county commission or board shall keep a current inventory of all property owned or leased by the county, which inventory record shall show where such property is located and in whose possession or under whose control it is.

Section 5. This Act shall not apply in respect of purchases and contracts made by the county board of education.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws in conflict with the provisions of this Act are repealed.

Section 8. This Act shall take effect on the first day of the month next following the date of enactment.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Horton	Montgomery
Adams	Gilchrist	Lowe	Roberts
Bentley	Givhan	Mathews	Robison (Pickens)
Brannon	Hammond	McCain	Shelton
Carter	Hawkins	McDow	Smith
Clark	Hornsby	Metcalf	Wilson
Cooper			—24

Nays:

—0

And said Bill, as thus amended by the substitute, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Hammond	Mathews	Reynolds
Brannon	Hawkins	McCain	Shelton
Carter	Hornsby	McDow	Smith
Clark	Horton	Metcalf	Taylor
Cooper	James	Montgomery	Tyson
Dumas	Lolley	Oden	Wilson
Eddins			—24

Nays:

—0

The Bill:

H. 517. To amend Act No. 843 of the Regular Session of the Legislature of Alabama of 1961, approved September 8, 1961.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Dumas	Horton	McCain
Adams	Eddins	James	Montgomery
Bentley	Evans	Lolley	Oden
Clark	Gilchrist	Lowe	Reynolds
Cooper	Givhan	Mathews	Roberts

Shelton	Taylor	Tyson	Wilson	
Smith				—24

Nays:

—0

The Bill:

H. 133. To amend the Title and Section 1 of Act No. 68, H. 92, First Special Session 1956 (Acts 1956, p. 101), entitled "An Act To fix the compensation of members of the court of county commissioners, board of revenue, or like governing body of all counties having a population of not more than 11,900, according to the last or any subsequent federal decennial census."

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Horton	Montgomery	
Adams	Gilchrist	Lowe	Roberts	
Bentley	Givhan	Mathews	Robison (Pickens)	
Brannon	Hammond	McCain	Shelton	
Carter	Hawkins	McDow	Smith	
Clark	Hornsby	Metcalf	Taylor	
Cooper				—24

Nays:

—0

The Bill:

H. 559. To alter, rearrange and extend the boundaries of the City of Bessemer, Alabama, so as to include within the corporate limits thereof certain additional territory in Section 34, Township 18 South, Range 4 West, Jefferson County, Alabama.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Hammond	McCain	Robison (Pickens)	
Brannon	Hawkins	McDow	Shelton	
Carter	Hornsby	Metcalf	Smith	
Clark	Horton	Montgomery	Taylor	
Cooper	James	Oden	Tyson	
Dumas	Lolley	Reynolds	Wilson	
Eddins				—24

Nays:

—0

The Bill:

H. 560. To alter and re-arrange the boundary lines of the City of Birmingham, Alabama, so as to include within the corporate limits

of said city all territory now within such corporate limits and all certain other territory in Jefferson County, Alabama, contiguous to said city.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Pickens)
Bentley	Givhan	McCain	Smith
Clark	Horton	Montgomery	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 594. Relating to Perry County; to provide for the appointment and compensation of Clerks for the Tax Assessor and Tax Collector of Perry County, Alabama.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	James	Montgomery
Adams	Givhan	Lowe	Roberts
Bentley	Hammond	Mathews	Robison (Pickens)
Brannon	Hawkins	McCain	Shelton
Carter	Hornsby	McDow	Smith
Clark	Horton	Metcalf	Taylor
Evans			

—24

Nays:

—0

The Bill:

H. 600. To repeal Act No. 47, H. 70, Second Special Session 1963, relating to counties having populations of not less than 15,300 nor more than 15,400.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Clark	Eddins	Hornsby
Brannon	Cooper	Evans	Horton
Carter	Dumas	Hawkins	James

Lolley	Montgomery	Roberts	Taylor
McCain	Oden	Robison (Pickens)	Tyson
McDow	Reynolds	Shelton	Wilson
Metcalf			

—24

Nays:

—0

The Bill:

H. 601. To provide an expense allowance for members of the court of county commissioners, board of revenue, or other like governing body of all counties having populations of not less than 15,300 nor more than 15,400, according to the last or any subsequent federal decennial census; giving the Act limited retroactive effect.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	Lowe	Roberts
Adams	Givhan	Mathews	Robison (Pickens)
Bentley	Hammond	McCain	Smith
Cooper	Horton	Montgomery	Taylor
Dumas	James	Oden	Tyson
Eddins	Lolley	Reynolds	Wilson
Evans			

—24

Nays:

—0

The Bill:

H. 604. To alter or rearrange the boundary line of the City of Bay Minette, Baldwin County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Pickens)
Bentley	Givhan	McCain	Shelton
Brannon	Hammond	McDow	Smith
Carter	Hawkins	Metcalf	Taylor
Clark	Hornsby	Montgomery	Wilson
Eddins			

—24

Nays:

—0

H. 595. Relating to counties having populations of not less than 21,850 nor more than 21,950 according to the most recent federal decennial census; authorizing payment of expense allowances to members of the county governing body.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	Lolley	Roberts
Brannon	Hammond	McDow	Robison (Pickens)
Carter	Hawkins	Metcalf	Shelton
Clark	Hornsby	Montgomery	Taylor
Cooper	Horton	Oden	Tyson
Dumas	James	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 596. To authorize and direct the county board of education in all counties having populations of not less than 21,850 nor more than 21,950, according to the most recent federal decennial census, to fix the salary and expense allowance of the county superintendent of education at amounts not less than the salaries and expenses paid to certain other employees of the board.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Pickens)
Bentley	Givhan	McCain	Smith
Brannon	Hammond	Montgomery	Taylor
Carter	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 550. To amend further Act No. 132, H. 138, Second Special Session 1959 (Acts 1959, p. 382), an act providing for a law and equity court of Crenshaw County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Adams	Bentley	Carter
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Clark	Hammond	Mathews	Roberts
Cooper	Hawkins	McCain	Robison (Pickens)
Dumas	Hornsby	McDow	Shelton
Evans	Lolley	Metcalf	Smith
Gilchrist	Lowe	Oden	Taylor
Givhan			

—24

Nays:

—0

The Bill:

H. 553. Relating to Crenshaw County; amending further Act No. 502, H. 916, Regular Session 1947, (Local Acts 1947, p. 340) an act providing for the compensation of members of the court of county commissioners.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lolley	Montgomery
Adams	Gilchrist	Lowe	Robison (Pickens)
Bentley	Givhan	Mathews	Shelton
Brannon	Hammond	McCain	Smith
Carter	Hornsby	McDow	Tyson
Clark	Horton	Metcalf	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 566. Relating to counties having populations of not less than 27,000 nor more than 30,000; regulating the compensation of the county superintendent of education of such counties.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Hammond	Lowe	Robison (Pickens)
Brannon	Hawkins	McDow	Shelton
Carter	Hornsby	Metcalf	Smith
Clark	Horton	Montgomery	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 555. Relating to counties having populations of not less than 15,500 nor more than 16,300; vesting in the probate courts of such counties the civil jurisdiction of justice of the peace courts.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Pickens)
Bentley	Givhan	McCain	Smith
Clark	Horton	Montgomery	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			—24

Nays:

—0

The Bill:

S. 266. Relating to Blount County; abolishing the board of finance and control created by Act No. 334, H. 954, approved September 2, 1955, and restoring and re-establishing the court of county commissioners of Blount County in lieu thereof, providing for the organization, powers, jurisdiction, and duties of the court of county commissioners; and providing for the qualifications, election, term, powers, duties, authority, and compensation of its members.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Reynolds
Adams	Gilchrist	Mathews	Roberts
Bentley	Givhan	McCain	Robison (Pickens)
Brannan	Hammond	McDow	Shelton
Carter	Hawkins	Metcalf	Tyson
Dumas	Lolley	Oden	Wilson
Eddins			—24

Nays:

—0

The Bill:

H. 547. To provide for the compensation of jurors in Choctaw County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Adams	Bentley	Brannan
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REGULAR SESSION

677

Carter	Hammond	Mathews	Roberts
Clark	Hawkins	McCain	Robison (Pickens)
Cooper	Hornsby	McDow	Shelton
Evans	Horton	Metcalf	Smith
Gilchrist	Lowe	Montgomery	Taylor
Givhan			

—24

Nays:

—0

The Bill:

H. 548. To regulate further the compensation and allowances of election officers in Choctaw County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	McCain	Robison (Pickens)
Brannan	Hawkins	McDow	Shelton
Carter	Hornsby	Metcalf	Smith
Clark	Horton	Montgomery	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 558. To provide for the compensation of county or deputy solicitors in counties having populations of not less than 15,000 nor more than 15,300.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	Lowe	Roberts
Adams	Givhan	Mathews	Robison (Pickens)
Bentley	Hammond	McCain	Shelton
Brannan	Horton	McDow	Taylor
Dumas	James	Oden	Tyson
Eddins	Lolley	Reynolds	Wilson
Evans			

—24

Nays:

—0

MOTION TO RECONSIDER

On motion of Mr. Lolley, the Senate reconsidered the vote by which it passed the Bill, H. B. 553.

And said Bill was again ordered placed on the Calendar for the next Legislative Day.

BILLS ON THIRD READING RESUMED

The Bill:

S. 77. To grant authority to the Department of Conservation to require parties requesting the advertisement of State lands for oil and gas lease purposes to pay for such advertising as may be required by law and to further grant authority to the Department of Conservation to make reasonable charges for copies of its oil and gas lease tract charts.

was taken up.

RESOLUTION

Mr. Mathews offered the following Senate Resolution, to-wit:

S. R. 36. WHEREAS the Governor has triumphantly returned to Alabama after a truly great and sensational appearance as a witness before the Senate Commerce Committee, where he stated so emphatically, clearly, and courageously the deep and abiding objections of the people of the State of Alabama to the ill advised proposals of the Kennedy Administration relative to civil rights; and

WHEREAS the Governor has earned the plaudits and commendation of this body and the people of this state; now therefore BE IT RESOLVED, That the Senate cordially invites the Governor to appear here on the floor of this Chamber at his convenience so we can award him the acclaim his recent performance so richly deserved.

On motion of Mr. Mathews, the Rules were suspended and the Resolution was adopted by the Senate.

APPOINTMENT OF SPECIAL COMMITTEE

The President and Presiding Officer of the Senate appointed Messrs. Cooper, Oden and Clark as Committee to advise Honorable George C. Wallace of the adoption of Senate Resolution 36 and to invite him to the Senate Chamber.

At 5:55 P. M., on motion of Mr. Mathews, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing a Message from His Excellency, the Governor.

The Session was called to order by Honorable James B. Allen, President and Presiding Officer of the Senate.

A quorum of the Legislature was present.

Thereupon Honorable George C. Wallace was escorted to the Chair and addressed a Joint Session of the Legislature.

The purpose of the Joint Session having been accomplished, the Senate retired to its Chamber and was called to order by Honorable James B. Allen, President and Presiding Officer of the Senate.

ADJOURNMENT

At 6:13 P. M., on motion of Mr. Cooper, pending further consideration of S. B. 77, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, July 18, 1963, at 10 o'clock A. M.

TWENTY-THIRD LEGISLATIVE DAY

THURSDAY, JULY 18, 1963

The Senate met pursuant to adjournment, Honorable George Hawkins, President Pro Tempore, presiding.

PRAYER

The Session was opened with prayer by Honorable C. M. Wilson, Chaplain of the Senate.

ROLL CALL

Present:

Messrs.	Eddins	Lolley	Oden
Adams	Evans	Lowe	Reynolds
Bentley	Gilchrist	Mathews	Roberts
Brannan	Givhan	McCain	Robison (Pickens)
Carter	Hammond	McDow	Shelton
Clark	Hawkins	Metcalf	Taylor
Cooper	Hornsby	Montgomery	Tyson
Dumas	James	Nichols	Wilson

—31

JOURNAL

On motion of Mr. Cooper, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

WILLIAM C. MCCAIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. McCain, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Second Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Nichols, leave of absence was granted Messrs. Allen and Horton for today.

On motion of Mr. Eddins, leave of absence was granted Messrs. Robison (Montgomery) and Smith for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. McDow:

S. 321. Relating to county officers; requiring publication annually of income and expenses of all officers who are compensated on a fee basis.

Committee on Finance and Taxation.

By Mr. McCain:

S. 322. For the relief of Peggy Cook, a minor child, authorizing and requiring the county governing body of Tuscaloosa County, Alabama, to make an appropriation from the county treasury to compensate the said Peggy Cook for certain damages sustained by said minor child, Peggy Cook.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

THE STATE OF ALABAMA
COUNTY OF TUSCALOOSA

NOTICE

Notice is hereby given of intention to apply at the next regular or special session of the Legislature of Alabama, for introduction and passage of a bill the substance of which, as distinguished from details, is and will be in substance, as distinguished from details, the following:

A BILL
TO BE ENTITLED
AN ACT

For the relief of Peggy Cook, a minor child, authorizing and requiring the county governing body of Tuscaloosa County, Alabama, to make an appropriation from the county treasury to compensate the said Peggy Cook for certain damages sustained by said minor child, Peggy Cook.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue or other like governing body of Tuscaloosa County, Alabama, is hereby authorized and required to appropriate from the county treasury, the sum of Five Thousand and No/100 (\$5,000.00) Dollars, for the relief of Peggy Cook, a minor child, and to compensate her for damages for injuries inflicted upon said minor child, Peggy Cook, on the 20th day of October, 1961, wherein there was a defect in a county bridge causing the said Peggy Cook to sustain injuries to her person in an automobile wreck.

Section 2. The said governing body of Tuscaloosa County is hereby authorized to draw its voucher on the county treasury for said sum and to pay the same to said Peggy Cook, a minor child.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF TUSCALOOSA

I hereby certify that the attached notice was published in Graphic, a newspaper published in and having a general circulation in the City and County of Tuscaloosa, Alabama, once a week for four consecutive weeks; viz May 2, May 9, May 16, and May 23, 1963.

BETTY PEARY,
Legal Clerk.

Subscribed and sworn to before me on this the 23rd day of May, 1963.

KARL S. ELEBASH, JR.,
Notary Public.

By Mr. McCain:

S. 323. For the relief of Willard Cook, authorizing and requiring the County governing body of Tuscaloosa County, Alabama, to make an appropriation from the county treasury to compensate the said Willard Cook for certain damages sustained by said Willard Cook.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

THE STATE OF ALABAMA
COUNTY OF TUSCALOOSA

NOTICE

Notice is hereby given of intention to apply at the next regular or special session of the Legislature of Alabama, for introduction and passage of a bill the substance of which, as distinguished from details, is and will be in substance, as distinguished from details, the following:

A BILL
TO BE ENTITLED
AN ACT

For the relief of Willard Cook, authorizing and requiring the county governing body of Tuscaloosa County, Alabama, to make an appropriation from the county treasury to compensate the said Willard Cook for certain damages sustained by said Willard Cook.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue or other like governing body of Tuscaloosa County, Alabama, is hereby authorized and required to appropriate from the county treasury, the sum of Four Thousand and No/100 (\$4,000.00) Dollars, for the relief of Willard Cook, and to compensate her for damages for injuries inflicted upon her, Willard Cook, on the 20th day of October, 1961, wherein there was a defect in a county bridge causing the said Willard Cook to sustain injuries to her person in an automobile wreck.

Section 2. The said governing body of Tuscaloosa County is hereby authorized to draw its voucher on the county treasury for said sum and to pay the same to Willard Cook.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF TUSCALOOSA

I hereby certify that the attached notice was published in Graphic, a newspaper published in and having a general circulation in the City and County of Tuscaloosa, Alabama, once a week for four consecutive weeks; viz May 2, May 9, May 16, and May 23, 1963.

BETTY PEARY,
Legal Clerk.

Subscribed and sworn to before me on this the 23rd day of May, 1963.

KARL S. ELEBASH, JR.
Notary Public.

By Mr. McCain:

S. 324. For the relief of Irene Hallman, authorizing and requiring the county governing body of Tuscaloosa County, Alabama, to make an appropriation from the county treasury to compensate the said Irene Hallman for certain damages.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

THE STATE OF ALABAMA
COUNTY OF TUSCALOOSA

NOTICE

Notice is hereby given of intention to apply at the next regular

or special session of the Legislature of Alabama, for introduction and passage of a bill the substance of which, as distinguished from details, is and will be in substance, as distinguished from details, the following:

A BILL
TO BE ENTITLED
AN ACT

For the relief of Irene Hallman, authorizing and requiring the county governing body of Tuscaloosa County, Alabama, to make an appropriation from the county treasury to compensate the said Irene Hallman for certain damages.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue or other like governing body of Tuscaloosa County, Alabama, is hereby authorized and required to appropriate from the county treasury, the sum of Four Thousand and No/100 (\$4,000.00) Dollars, for the relief of Irene Hallman, and to compensate her for damages for injuries inflicted upon her on the 20th day of October, 1961, wherein there was a defect in a county bridge causing the said Irene Hallman to sustain injuries to her person, and damages to her property, in an automobile wreck.

Section 2. The said governing body of Tuscaloosa County is hereby authorized to draw its voucher on the county treasury for said sum and to pay the same to the said Irene Hallman.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF TUSCALOOSA

I hereby certify that the attached notice was published in Graphic, a newspaper published in and having a general circulation in the City and County of Tuscaloosa, Alabama, once a week for four consecutive weeks; viz May 2, May 9, May 16, and May 23, 1963.

BETTY PEARY,
Legal Clerk.

Subscribed and sworn to before me on this the 23rd day of May, 1963.

KARL S. ELEBASH, JR.
Notary Public.

By Mr. Metcalf:

S. 325. To amend the title to and Section 1 of Act No. 4, H. 62, Second Special Session of 1956, approved March 16, 1956 (as heretofore amended), entitled, "An act relative to municipalities in this state having a population of not less than 23,000 and not more than 100,000 inhabitants according to the last or any subsequent federal special or decennial census; authorizing each such municipality to acquire property suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground

floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such property subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds in any agreement made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or securing thereof" so as to make said Act applicable to municipalities having a population of not more than 100,000 inhabitants according to the last or any subsequent federal special or decennial census.

Committee on Municipalities and
Municipal Organizations.

By Mr. Taylor:

S. 326. To authorize the Alabama Public Service Commission to regulate further rates charged by public utilities, prohibiting certain acts by such utilities, and amending Section 36 of Title 48, Code of Alabama 1940.

Committee on Banking.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Turner (Crenshaw):

H. 552. Relating to the superintendent of education of Crenshaw County; providing for his appointment, qualifications, compensation and allowances; repealing Act No. 83, H. 68, Regular Session 1931 (Local Acts 1931, p. 21), and all other conflicting laws.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF CRENSHAW

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to the superintendent of education of Crenshaw County; providing for his appointment, qualifications, compensation and allowances; repealing Act No. 83, H. 68, Regular Session 1931 (Local Acts 1931, p. 21), and all other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The county board of education of Crenshaw County shall appoint the county superintendent of education, who shall serve for a term as such board may prescribe. The county board of education may remove the superintendent of education at any time for immorality, misconduct in office, incompetency, wilful neglect of duty, or when the best interests of the schools require it.

Section 2. The county superintendent of education shall be the chief executive officer of the county school system and shall perform and discharge all the duties of county superintendents of education as now or hereafter required or provided by the general law of the state.

Section 3. The county superintendent of education shall be a person of good moral character and of recognized ability as an administrator, having an academic education equivalent to graduation from a standard university or college. Such qualifications as prescribed by this section shall be in lieu of any qualifications prescribed by the general law for county superintendents of education.

Section 4. The superintendent of education shall devote his entire time to the duties of his office and shall receive a salary of not more than eight thousand dollars (\$8,000.00) per annum, payable in equal monthly installments. Such superintendents shall also receive an allowance not to exceed six hundred dollars (\$600) per annum as reimbursement for travel expenses incurred in the performance of his duties. The exact amount of such salary and expense allowance shall be fixed by the board of education, and shall be paid out of the public school funds of the county.

Section 5. Act No. 83, H. 68, Regular Session 1931 (Local Acts 1931, p. 21) and all other laws or parts of laws in conflict herewith are hereby repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall take effect at the expiration of the term of the incumbent superintendent of education of Crenshaw County.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CRENSHAW

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mary F. Reeder, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Editor of the Luverne Journal, a newspaper of general circulation published in Crenshaw County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 29, June 5, June 12, and June 19, all in the year 1963.

MARY F. REEDER,

Sworn to and subscribed before me June 19, 1963.

VONCILE R. NICHOLS,
Title Notary Public.

Also:

By Mr. NeSmith:

H. 611. Relating to Blount County; abolishing the board of finance and control created by Act No. 334, H. 954, approved September 2, 1955, and restoring and reestablishing the court of county commissioners of Blount County in lieu thereof, providing for the organization, powers, jurisdiction, and duties of the court of county commissioners; and providing for the qualifications, election, term, powers, duties, authority, and compensation of its members.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

STATE OF ALABAMA
COUNTY OF BLOUNT

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

Relating to Blount County; abolishing the board of finance and control created by Act No. 334, H. 954, approved September 2, 1955, and restoring and reestablishing the court of county commissioners of Blount County in lieu thereof, providing for the organization, powers, jurisdiction, and duties of the court of county commissioners; and providing for the qualifications, election, term, powers, duties, authority, and compensation of its members.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of finance and control of Blount County created by Act No. 334, H. 954, approved September 2, 1955, is abolished, and in lieu thereof there is hereby restored and reestablished in Blount County a court of record styled the court of county commissioners of Blount County, which shall be composed of the judge of probate as

principal judge, and four commissioners who shall be elected as hereinafter provided.

Section 2. One county commissioner shall be elected from each of the four districts into which the county is now divided by law for the purpose of electing members of the county governing body of Blount County. A candidate for county commissioner must be a qualified elector and legal resident of the district he seeks to represent and shall continue to reside therein during his continuance in office. Commissioners from districts one and three shall be elected at the general election to be held in 1966, and every four years thereafter. Commissioners from districts two and four shall be elected at the general election to be held in 1964, and every four years thereafter. The commissioners elected under the provisions of this Act shall hold office for terms of four years from the first Monday after the second Tuesday in January next succeeding their election, and until their successors are elected and qualified.

Section 3. The present four associate members of the board of finance and control of Blount County shall serve as county commissioners of the court of county commissioners of Blount County until their successors are elected and qualified as herein provided.

Section 4. Each commissioner elected under the provisions of this Act shall receive as compensation for the services rendered in his capacity as commissioner a salary of three thousand dollars (\$3,000) per annum, payable in equal monthly installments, plus mileage at the rate of seven cents (\$.07) per mile for each mile traveled on official county business, but the mileage provided herein shall not exceed fifty dollars (\$50.00) per month. A part of the commissioners' salaries may be paid out of the county gasoline tax revenues, provided that the part of such salaries so paid out of county gasoline tax revenues shall bear the same proportion to the total salary paid to such commissioner as the time devoted by such commissioner to supervising, inspecting, accepting, building, or repairing county roads and bridges bears to the total time devoted by such commissioner to all his duties as a member of the court of county commissioners. The court of county commissioners shall determine the proportion of such salaries to be paid out of county gasoline revenues. The judge of probate of Blount County shall be entitled to the compensation provided by law for judges of probate who serve as principal judge of courts of county commissioners.

Section 5. The court of county commissioners of Blount County shall have all the jurisdiction and powers which are, or which hereafter may be, vested in courts of county commissioners, boards of revenue, or like county governing bodies by the general laws of this State, or vested in the governing body of Blount County by local law; and the members of the court of county commissioners shall perform all the duties and services and exercise all the powers which are, or which hereafter may be, provided by the general laws of this State for the members of courts of county commissioners, boards of revenue, or like county governing bodies, or for the members of the governing body of Blount County by local law.

Section 6. All laws or parts of laws in conflict with this Act are repealed; and Act No. 334, H. 954, approved September 2, 1955, which created the board of finance and control of Blount County is expressly repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. The substantial provisions of this Act shall become operative only if approved by a majority of the qualified electors of Blount County who vote in a referendum to be held on the same day as the first county-wide election held after the date of this enactment. The board of finance and control of Blount County shall order and provide for the holding of the referendum on such date. On the ballots to be used at the referendum the question shall be stated substantially as follows: "Shall the provisions of Act No. of the 1963 Regular Session of the Legislature, which abolishes the board of finance and control of Blount County and recreates and re-establishes in lieu thereof a court of county commissioners for Blount County, be adopted? (Yes) (No)." If the majority of the votes cast at the referendum are "Yes," all the provisions of this Act shall become operative immediately. If the majority of the votes cast are "No," the Act shall have no further effect. The judge of probate of Blount County shall certify the results of the election to the Secretary of State of Alabama within thirty days after the result thereof has been ascertained.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF BLOUNT

Before me, the undersigned authority in and for said County in said State, this day personally appeared Rice M. Howard, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the SOUTHERN DEMOCRAT, a newspaper of general circulation published in Blount County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 30, June 6, June 13, and June 20, all in the year 1963.

RICE M. HOWARD,
Publisher.

Sworn to and subscribed before me June 20, 1963.

MOLLY RYAN,
Title Notary Public.

Also:

By Mr. NeSmith:

H. 612. To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in Blount County; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL TO BE ENTITLED AN ACT

STATE OF ALABAMA COUNTY OF BLOUNT

Notice is hereby given that a bill substantially as follows will be

introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in Blount County; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person, firm, or corporation desiring to operate a hunting or shooting preserve in Blount County on which artificially propagated birds may be hunted, taken, captured, killed, or otherwise recovered, may do so upon obtaining a hunting preserve license and complying with the provisions of this Act and all rules and regulations prescribed by the director of conservation governing the operation of hunting preserves.

Section 2. Each hunting preserve shall contain a minimum of 100 acres in one tract of leased or owned land, including water area, if any, and shall be restricted to not more than 1,000 contiguous acres including water, if any. The exterior boundaries of each hunting preserve shall be bordered by a single strand of wire or such fence as is acceptable to the state director of conservation, except where rivers, creeks, roads, or other clearly defined demarcations or delineations, acceptable to the director of conservation, form the boundary or a part thereof. Signs shall be erected at intervals of not less than 150 feet around the perimeter of the tract. At the top of each sign shall appear in letters not less than 2 inches high the words, "LICENSED HUNTING PRESERVE," and such other words as the director of conservation may prescribe. No hunting preserve shall be located within one mile of any other such preserve or within one mile of any management area or refuge existing under state or federal law or regulations at the time of the establishment of such hunting preserve. No license shall be issued for any hunting preserve on which the shooting of turkeys is authorized.

Section 3. Game which may be hunted on a preserve licensed under this Act shall be artificially propagated bob-white quail, cottontail quail, pheasants, chukar partridge, and such other species of fowl as the director of conservation shall designate. A minimum stock of at least 1,000 bob-white quail, if bob-white quail are to be hunted on the preserve, and a minimum stock of 200 of each of the other species of birds, listed above, to be hunted on a licensed preserve shall be released on the licensed hunting area during each hunting season.

Section 4. The privilege license or permit fee for operating a hunting preserve shall be \$25 per year for the first 100 acres of hunting preserve area plus \$5 per year for each additional 100 acres or part thereof. Any person who desires to operate such a hunting preserve shall first file a request with a local state game warden, or with the state department of conservation, to have the tract which he proposes to use as a hunting preserve inspected, and if it meets the requirements of this Act and the rules and regulations of the department of conservation he shall have a permit issued to him to procure a license to operate such hunting preserve. Upon presentation to the judge of probate of the county in which the preserve is located of a permit from the department of conservation, dated not more than thirty days prior to its presentation, accompanied by the proper license fee prescribed in this section and an issuance fee of

fifty cents, the judge of probate of any county to which this Act applies shall issue a privilege license to operate a hunting preserve to the applicant. Privilege licenses to operate hunting preserves shall be issued on forms prescribed by the director of conservation and furnished by him to the judges of probate. All fees collected by the judges of probate for issuing hunting preserve licenses shall be remitted at the same time and in the same manner that hunting and fishing license fees are remitted and shall be paid into the game and fish fund of the state department of conservation.

Section 5. The holder of a license issued pursuant to this Act, his guest, and patrons may hunt, take, capture, kill, or otherwise recover during the year no more than 80 per cent of the total number of each species of birds released on the preserve during such year. The season during which each species of birds may be hunted, taken, captured, killed or otherwise recovered on such preserve and the bag limits shall be prescribed by the state director of conservation; but in no event shall the season be longer than six months, nor shall it begin before October 1, nor extend later than March 31 of any year.

Section 6. Bob-white quail and coturnix quail shall be tagged with self-sealing tag prior to being released on the preserve. The operators of hunting preserves shall cooperate in other requests which the director of conservation might make for scientific investigations. The Alabama Department of Conservation shall specify tags which hunting preserve operators shall use, the tags to be numbered consecutively, dated by year of issuance, and carry the operator's license number.

Section 7. Each hunting preserve operator shall maintain a register and record therein the names, addresses, hunting license numbers, the date on which each hunted, and the amount and species of game taken by each hunter. An accurate record by species shall also be maintained of the total number of birds raised on the preserve or purchased, and the number of each species released thereon each year. These records shall be open to inspection by any duly authorized representative of the state department of conservation at any reasonable time, and shall be the basis upon which the bag limits and hunting seasons in section 6 hereof shall be determined.

Section 8. Alabama hunting licenses shall be required of all persons hunting on licensed hunting preserves. Alabama residents shall be licensed under the regularly established game laws. Each non-resident hunting on a licensed preserve shall be required to possess a regular non-resident annual hunting license or a non-resident trip hunting license.

Section 9. Duly authorized agents of the state department of conservation, game wardens, and other law enforcement officers duly authorized to enforce game and fish laws shall have authority to enforce all game and fish laws and regulations on such preserves; and for such purposes are authorized to enter and inspect licensed hunting preserves. Violations of game and fish laws and regulations on such hunting preserves either by the owner, guests, or patrons of such preserves shall be grounds for revocation of the hunting preserve license; and the director of conservation may immediately revoke a hunting preserve license upon proof that any such violations have occurred thereon.

Section 10. Any person, firm, or corporation who operates a licensed hunting preserve in violation of any provision of this Act

or a duly promulgated rule of the director of conservation relative to the operation thereof shall be guilty of a misdemeanor; and upon conviction shall be punished by a fine of not less than \$50 nor more than \$500 and at the discretion of the court may also be imprisoned for a period of not more than six months for each offense.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this Act are repealed.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF BLOUNT

Before me, the undersigned authority in and for said County in said State, this day personally appeared Rice M. Howard, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the SOUTHERN DEMOCRAT, a newspaper of general circulation published in Blount County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 30, June 6, June 13, and June 20, all in the year 1963.

RICE M. HOWARD,
Publisher.

Sworn to and subscribed before me June 20, 1963.

MOLLY RYAN,
Title Notary Public.

Also:

By Mr. Stembridge:

H. 617. To fix and regulate the payment of the compensation and expenses of members of the county board of education of every county which has a population of not less than 50,000 nor more than 54,000.

Also:

By Messrs. Camp, Bolton, Bethea (M) and Turnham:

H. 639. Relating to Cities having a population of not less than 16,000, nor more than 26,000, according to the 1960 or any subsequent decennial census of the population of the United States; changing the method of electing, the designation of, and fixing the term of office of, members of the Board of Commissioners of any such City.

Also:

By Messrs. Bolton and Camp:

H. 640. To apply in all counties having a population of not less than 65,000 nor more than 95,000 inhabitants, according to the last or any subsequent federal decennial census: Fixing the compensation of the Clerk of the Jury Commission in all such counties.

Also:

By Messrs. Bolton and Camp:

H. 641. Relating to counties having populations of not less than 65,000 nor more than 95,000; regulating and providing for the payment of compensation of certain county officers.

Also:

By Messrs. Scurlock and Bevill:

H. 643. To amend further Code of Alabama 1940, Title 19, Section 11, which relates to the appointment of commissioners in condemnation proceedings, so as to delete therefrom a proviso applicable to counties having populations of not less than 51,000 nor more than 56,000.

Also:

By Messrs. Edington, Downing, Smith, Fields, Rogers and Engel:

H. 625. To amend Act No. 893, H. 1270, approved September 8, 1961 (Acts of Alabama, 1961, p. 1406), entitled "An Act Relating to Mobile County: To Fix the compensation of the clerk of the Circuit Court of Mobile County."

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA, COUNTY OF MOBILE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

AN ACT

To amend Act No. 893, H. 1270, approved September 8, 1961, (Acts of Alabama, 1961, p. 1406), entitled "An Act Relating to Mobile County: To fix the compensation of the clerk of the circuit court of Mobile County."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 893, H. 1270, approved September 8, 1961 (Acts of Alabama, 1961, p. 1406), entitled "An Act Relating

to Mobile County: To Fix the compensation of the clerk of the circuit court of Mobile County," is amended to read as follows:

"Section 3. This Act shall become effective at the beginning of the term of office of the clerk of the circuit court who is elected in 1964."

C. R. Willisson being sworn, says that he is office manager of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register May 24, 31 June 7, 14 1963.

C. R. WILLISSON,

Sworn to and subscribed before me this 21st day of June, 1963.

EDWIN LEE PERKINS,
Notary Public.

Also:

By Messrs, Edington, Fields, McDermott, Rogers, Smith, Hogan, and Downing:

H. 627. Relating to the powers of cities having populations of not less than 200,000 and not more than 300,000 according to the last or any subsequent federal decennial census; authorizing the governing bodies of such cities to adopt ordinances which protect the historic architectural character of the city, including designating historic districts, creating certain agencies to promote the preservation of such districts, which are located or are to be located in the designated historic districts, and adopting other provisions necessary to effect the purposes of this Act.

Also:

By Mr. Burns:

H. 554. Relating to counties having populations of not less than 96,000 nor more than 106,000; regulating and providing for payment of expense allowances of constables serving the county court in such counties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 552, 611, 612, 617, 639, 640, 641, 643, 625, 627 and 554 — to the Committee on Local Legislation

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 154. To fix the compensation and allowance of certain election officers in every county of the state having a population of not less than 24,525 nor more than 24,675 according to the last or any subsequent federal decennial census.

Also:

S. 163. To alter, rearrange, and extend the boundaries and corporate limits of the Town of Butler so as to annex certain territory to the town.

Also:

S. 168. To Amend Section 4 of Act No. 119 of the Regular Session of the Legislature of 1961, an act providing for deputies, clerks and other assistants of certain officers of Houston County; regulating the compensation of such deputies, clerks and assistants.

Also:

S. 169. To establish in the 20th Judicial Circuit of Alabama the office of Clerk-Secretary to the Circuit Solicitor of the said 20th Judicial Circuit; to prescribe the duties of the said Clerk-Secretary; to fix his or her term of office and to prescribe the pay for said Clerk-Secretary, and to provide for the payment of the salary of said Clerk-Secretary out of the general funds of Houston and Henry Counties of Alabama.

Also:

S. 170. To make an appropriation from the county treasury of Houston County for the relief of Mrs. A. R. Gissendanner.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 446. To vacate certain Streets, Avenues and Alleys, and other public ways in part of the area in the City of Birmingham known as Urban Renewal Project Ala. R-22, occupying part of the area West of Avenue "V", North of Pike Road, East of Avenue "J" and South of Twentieth Street, Ensley.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 512. To repeal Act No. 657, H. 1385, Regular Session 1961 (Acts 1961, p. 799), an act which levies sales and use taxes in Elmore County.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 110. To implement the provisions of that certain Constitutional Amendment that was proposed by Act No. 151 adopted at the 1957 Regular Session of the Legislature of Alabama and that authorizes the State to engage in works of internal improvements by promoting, developing, constructing, maintaining and operating along navigable streams and waterways of Alabama all manner of docks and facilities of every kind, in aid of commerce and use of waterways of the State, and to incur indebtedness and issue bonds for said purpose; to authorize the State to engage in such works of internal improvement at an additional cost of not exceeding \$2,000,000; to designate the Alabama State Docks Department and any department or agency of the State that may succeed to its functions as the Agency to undertake, manage, operate and control such developments and improvements; to prescribe the powers, duties and authority of said Department in connection therewith; to authorize the State to become indebted to the extent of not exceeding \$2,000,000 in principal amount to carry out the provisions of this Act and to issue its interest bearing direct general obligation bonds therefor; to prescribe in general the terms of such bonds and the method and manner of the sale and issuance thereof; to exempt the same and the interest thereon from taxation; to provide for the payment for any indebtedness evidenced by bonds issued pursuant to this Act and to pledge the full faith and credit of the State to the payment of such indebtedness; to provide for the refunding of any bonds issued under the said Constitutional Amendment; to provide for investment of the proceeds of any bonds issued hereunder and other funds received under this Act, pending the need for such funds; to provide for the use of funds obtained from the operation of improvements constructed with proceeds of any bonds issued under the provisions of said Constitutional Amendment; to make appropriation for payment of the principal of and interest on bonds issued under the said Constitutional Amendment from the General Fund of the State; to provide for the acquisition of property for the purposes of this Act and for the exercise of the power of eminent domain with regard thereto; to prescribe the powers and duties of the Governor, the said Department and other officers of the State in carrying out the provisions of this Act; to authorize the said Department to fix and collect reasonable rates and charges for services rendered by, and for use of, facilities established pursuant to this Act; and to require the maintenance of records of the total cost of, the gross revenues from, and the expenses of operating, each unit of development acquired, constructed, or operated pursuant to the provisions of this Act or Act No. 311 adopted at the 1957 Regular Session of the Legislature, Act No. 98 adopted at the 1959 Regular Session of the Legislature or Act No. 716 adopted at the 1961 Regular Session of the Legislature; and to provide that surplus revenues derived from

operation of the state docks facilities at the Port of Mobile may be used to meet operating deficits of the facilities constructed under said Constitutional Amendment.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Goldthwaite, Little, Pierce and Goodwyn:

H. J. R. 92. WHEREAS the problems involved in racial disputes in the United States have greatly increased during recent weeks; and

WHEREAS President Kennedy and his brother Robert Kennedy have noticeably abstained from taking any action which might tend to lessen the rising pressures evolving from such disputes, but to the contrary have by their irresponsible utterances and untimely actions, greatly increased and heightened racial tensions; and

WHEREAS the Kennedys by submitting to the pressures of the mob for the sake of political expediency, have issued executive orders and instigated procedures contrary to the laws of the Congress; and

WHEREAS as a result of such illegal, irregular, and improper procedures, the rules and regulations of the United States Civil Service Administration have been circumvented, evidenced by the fact that at the present time in Montgomery, Alabama a position with the United States Post Office is being created for the sole and specific purpose of employing a member of the Negro race. Rather than filling such position with a person high on the merit system list of those qualified, two Negroes are being considered improperly who occupy places number 31 and 51 respectively on said list; and

WHEREAS although the United States Post Office Administration has on several occasions publicly stated that because of lack of funds, certain services must be reduced or curtailed, the Post Office Department is submitting to the pressures of mob action as it is now in the process of creating a new job which is completely unnecessary and is to exist solely for the specific purpose of employing a member of the Negro race; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this legislature does hereby condemn such actions on the part of the Post Office Department and requests our Senators and Congressmen to demand of those responsible for such irregularities to cease the same immediately.

BE IT FURTHER RESOLVED that copies of this resolution be sent to each member of the Alabama Congressional delegation and to the United States Postmaster General.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 92, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Turner (Crenshaw), Wood, Smith, Stembridge, Paulk, Cooper, Cook, Sullivan, Owens, Nabors, Burns, Meade, Snell, Cates, Moore, Edington, Powell, Hogan, McDermott, Steagall, Glass, Bassett, Downing, Bolton, Burnham and Albea:

H. 405. To amend Section 195, Title 46, Code of Alabama (1940), as amended, by providing an increase from ten dollars to thirty dollars for each day actually employed in the discharge of official duties as compensation to the members of the state board of optometry.

Also:

By Messrs. Turner (Crenshaw), Wood, Smith, Stembridge, Paulk, Cooper, Cook, Sullivan, Owens, Nabors, Burns, Meade, Snell, Cates, Moore, Fields, Edington, Powell, Hogan, McDermott, Steagall, Glass, Bassett, Downing, Nettles, Bolton, Burnham and Albea:

H. 406. To amend Sections 210 and 211, Title 46, Code of Alabama (1940), as amended, which relates to the practice of optometry in stores or business establishments, by the repeal of provisions that permit the practice of optometry to be conducted by other than professional optometrists.

Also:

By Messrs. Turner (Crenshaw), Wood, Smith, Stembridge, Paulk, Cooper, Cook, Sullivan, Owens, Nabors, Burns, Meade, Snell, Cates, Moore, Edington, Powell, Hogan, McDermott, Steagall, Glass, Bassett, Downing, Nettles, Bolton, Burnham and Albea:

H. 407. To amend Sections 197, 199, 200 and 205, Title 46, Code of Alabama (1940), as amended, by providing for an increase from twenty-five dollars to one hundred dollars for examination for a license to practice optometry, and to increase the fee from thirty-five dollars to one hundred fifty dollars for issue of a license to an Optometrist coming from another state to this state, and for an increase from twelve dollars to not more than fifty dollars to renew annually the license to practice optometry.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H.B.'s 405, 406 and 407 — to the Committee on Public Health

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Turner (Limestone), Goodwyn, Meeks, Locke, Rast, Perry, Bailes, Collins, Nabors, Owens, Burns, Daniel, Holladay, Crawford, Teel, Pierce, Turner (Crenshaw), Mashburn, Cornett, Bolton, Branyon, Campbell (Tuscaloosa), Wood, Little, Etheredge, Boston and Hester:

H. J. R. 88. WHEREAS, the members of the Legislature and their families were treated to an outstanding social occasion at Dauphin Island on the weekend of June 28-30; and

WHEREAS, the Mobile County Legislative Delegation assisted the hosts in entertaining us during this enjoyable and festive weekend; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That we express our sincere thanks for the cordiality, hospitality, and good fellowship afforded us by the Mobile Delegation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Nichols, the Rules were suspended and the Resolution, H. J. R. 88, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Turner (Limestone), Rogers, Goodwyn, Perry, Powell, Meeks, Locke, Rast, Bailes, Collins, Nabors, Owens, Burns, Daniel, Casey, Holladay, Crawford, Teel, Turner (Crenshaw), Mashburn, Cornett, McDermott, Bolton, Hogan, Engel, Boston, Fields, Edington, Downing, Smith, Wood, Little, Etheredge, Branyon and Campbell (Tuscaloosa):

H. J. R. No. 89. WHEREAS, the members of the Alabama Legislature and the Governor's Staff were treated to a week-end at Dauphin Island on June 28, 29, and 30, 1963; and

WHEREAS, the week-end was a most enjoyable one which will be remembered by all of those in attendance for many years to come; and,

WHEREAS, many persons contributed time and effort in order to make this week-end a success; and,

WHEREAS, it is the desire of the Legislature to express its thanks to those persons;

NOW THEREFORE, BE IT RESOLVED by the House of Representatives of the State of Alabama, the Senate thereof concurring therein, that its members hereby express their deepest appreciation and sincere thanks to the following individuals and organizations whose contributions were material in making this week-end such a singular success:

Mr. William P. Boggs, for his efforts in coordinating and planning the week-end; Mr. Ben Berger, for his untiring efforts in securing the boats from which fishing was enjoyed; Mr. William J. Adkins, of the Isle Dauphine Club, for his hospitality and many kindnesses in making all present welcome at the Club; Mrs. William J. Adkins, for the excellent food prepared under her supervision; The Dauphin Island Businessmen's Association, for the work of its members in helping to make our stay such an enjoyable one; The Board of Directors of the Isle Dauphine Club, for making the facilities of the Club available for the use of those in attendance; Mrs. Carolyn Hager, Mr. John Hollman, Mr. Ed Sawyer, and Mrs. Carol Rhodes, for their assistance in seeking places of lodging for the legislators, their wives and families.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives be instructed to send a copy of the foregoing resolution to each of the individuals and organizations hereinabove named.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Nichols, the Rules were suspended and the Resolution, H. J. R. 89, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Pennington, Turnham, Nettles, Daniel and Bolton:

H. J. R. 91. Joint resolution memorializing Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States relating to the qualifications and tenure of Federal Judges.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That this Legislature respectfully petitions the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States substantially as follows:

PROPOSED AMENDMENT

"Article

"Section 1. Section 1 of Article III of the Constitution of the United States is hereby amended to read as follows:

"The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, holding office when this article becomes effective, unless removed for cause, shall remain in office until noon of the twentieth day of January following the first general election for members of the house of representatives of the congress held at least eight years after this article becomes effective. Judges of all the federal courts appointed or elected after this article becomes effective shall be appointed or elected for terms of eight years. The term of the first judges appointed or elected after this article becomes effective shall begin upon the expiration of the term of the then incumbent judges and shall end at noon of the twentieth day of January eight years thereafter. Thereupon, and every eight years thereafter a new term for federal judges shall begin.

"After this article becomes effective no person shall be eligible to the office of judge of the supreme court who has not served at least eight years as a trial judge of an inferior federal court. No person shall be eligible to the office of judge of a federal circuit court who has not served at least eight years as a trial judge of a federal court, and no person shall be eligible to the office of judge of a federal district court who has not served as a trial judge of either a federal court or of a state court of general jurisdiction.

"A judge of the supreme court, unless removed for cause, may remain in office after the expiration of a term if prior to each such expiration he files with the legislatures of each state of the Union a declaration of candidacy to succeed himself and the legislatures of a majority of the states approve his retention in office. If a judge of the supreme court does not file such a declaration, as above provided, or if the legislatures of a majority of the states reject him, the office he holds shall become vacant upon the expiration of his term.

"A judge of a circuit or district court, unless removed for cause, may remain in office after the expiration of a term if prior to each such expiration he files a declaration of candidacy to succeed himself and his retention in office is approved all as hereinafter prescribed. In the case of a judge of a circuit court, the declaration shall be filed with the officer who certifies the names of candidates for the house of representatives of the congress to be put upon the ballot in each state which is a part of the circuit. In the case of a district judge, the declaration shall be filed with the officer who certifies the names of candidates for said house of representatives in the state which, in whole or in part, forms the district. The question of retaining in office a circuit or district judge who files a declaration as above provided shall be submitted to the voters of the circuit or district, as the case may be, at the general election in the state for members of the house of representatives next prior to the expiration of the judge's term of office. If a judge of a circuit or district court does not file such a declaration, as above provided, or if he is rejected at the election the office he holds shall become vacant upon the expiration of his term.

"The manner of holding the elections on the question of retention of a judge shall be prescribed in each state by the legislature thereof; but the congress may at any time by law make or alter such regulations, except as to the time of holding such elections. The results of all such elections held by the legislatures or the people in a state shall be certified to the same officer to whom the results of elections for members of the house of representatives of congress are certified; and if the tabulation of the results from the several states indicates that the vote is favorable to retaining a judge the clerk of the house of representatives of the congress shall so certify to the judge. The clerk's certificate shall be the judge's commission to continue in office. If the tabulation shows that the election went against retaining the judge then the clerk shall certify to the authority authorized to fill vacancies in such judgeship that a vacancy therein will exist upon the expiration of the term of the incumbent judge.

"The judges, both of the supreme court and inferior courts, shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office."

"Section 2. This Article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission."

BE IT FURTHER RESOLVED that the clerk of this house is directed to send a duly authenticated copy of this resolution to the Clerk of the House of Representatives of the United States, to the Secretary of the United States Senate, to the clerk of the house of representatives of the several other states, to the secretary of the senate of the several other states, and to each member of Congress from this State.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 91, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 364. To authorize Alabama State Docks Department, with the approval of the Governor, to sell and issue from time to time not exceeding \$10,000,000 principal amount of bonds in addition to those heretofore authorized; to provide that the proceeds of said bonds shall be used to provide for the refunding and retirement of outstanding revenue securities heretofore issued by said Department, for the payment of expenses of issuing said additional bonds, and for the construction, improvement and equipment of additional seaport facilities within the State; to permit the issuance hereunder of additional parity bonds, secured on a parity of lien with all bonds issued hereunder, provided the said additional parity bonds are hereafter authorized by the Legislature of Alabama; to provide for the details of bonds issued hereunder, the execution thereof, the method of

sale thereof, and the application of the proceeds from the sale thereof; to authorize said Department, with the approval of the Governor, to issue its notes not exceeding \$1,000,000 in principal amount in evidence of temporary loans made to it; to provide that bonds and notes issued hereunder shall not be or constitute a debt of the State of Alabama, shall not pledge the faith or credit of the State of Alabama, and shall be limited obligations payable solely out of revenues of said Department; to designate the revenues from which the principal of and the interest on bonds and notes issued hereunder may be made payable; to provide for and authorize the pledge of the said revenues for payment of the said principal and interest; to authorize the Department to invest in direct obligations of the United States of America any funds available for the purpose of retiring said outstanding revenue securities; to provide for the retirement of such outstanding revenue securities by the deposit of cash or such obligations of the United States or both in an irrevocable trust fund, which may be administered by a corporate trustee; to authorize the publication of notice of the adoption of an order authorizing the issuance of bonds hereunder and limiting the time within which any action may be brought to set aside or contest the validity of any such bonds or any proceedings authorizing the same or any pledge or instrument securing the same; to provide that all bonds and notes issued hereunder and the income therefrom shall be exempt from all taxation; and to provide that bonds and notes issued hereunder shall be deemed negotiable instruments, and may be used to secure deposits of funds of the State of Alabama or of any instrumentality or agency of the State, and shall be lawful investments for fiduciary funds; and to provide for the disposition of the revenues of the said Department while any of said bonds or notes are outstanding.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 182. To amend further Code of Alabama 1940, Title 36, Sections 60 and 61, in relation to the amount of the license payable by motor vehicle operators.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 288. To make an appropriation from the State Treasury to the use of the Department of Public Safety and Conservation and the Alcoholic Beverage Control Board.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 266. To amend Code of Alabama 1940, Title 41, Section 10, in relation to the commissioning of notaries public.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 24. Relative to urging our United States Senators from Alabama and other Southern States to stand firm in their rights.

Also:

S. J. R. 31. Relative to Thanking the Mobile Area Chamber of Commerce, the people of Mobile, and all those who joined in making the Dauphin Island vacation a delightful and enjoyable experience.

Also:

S. J. R. 33. Relative to adjournment of the House and Senate to meet again on Thursday, July 18.

Also:

S. J. R. 28. Relative to urging members of the House and Senate to view the Safety Showcase Exhibit.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING

The Bill:

S. 282. To propose an amendment to the Constitution of Alabama to authorize the State to become indebted and issue its general obligation bonds in a principal amount not exceeding \$3,000,000 for the purpose of financing the construction, reconstruction, alteration and improvement of storage and handling facilities for the Alabama State Docks.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, to-wit:

COMMITTEE AMENDMENT TO SENATE BILL 282

At the end of Section 1 and as a part of the proposed constitutional amendment, add the following:

"The authorization to incur debt and issue bonds contained in this amendment shall supersede and take the place of any authorization to issue revenue bonds for capital outlay at Alabama State Docks granted by act of the legislature in effect on the effective date of this amendment. The indebtedness and bonds authorized by this amendment shall be reduced to the extent that revenue bonds authorized by act adopted at the 1963 regular session of the legislature shall have been issued for capital outlay purposes at the Alabama State Docks prior to the effective date of this amendment."

On motion of Mr. Dumas, said amendment was laid upon the table.

Yeas 28; Nays 0.

Yeas:

Messrs.	Eddins	Lolley	Reynolds
Adams	Evans	Lowe	Roberts
Bentley	Gilchrist	McCain	Robison (Pickens)
Brannan	Hammond	McDow	Shelton
Carter	Hawkins	Metcalf	Taylor
Clark	Hornsby	Montgomery	Tyson
Cooper	James	Nichols	Wilson
Dumas			

28

Nays:

—0

Mr. Dumas then offered the following substitute for the Bill, to-wit:

SUBSTITUTE FOR SENATE BILL 282

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to the Constitution of Alabama to authorize the State to become indebted and issue its general obligation bonds in a principal amount not exceeding \$10,000,000 for the purpose of financing the construction and equipment of works of internal improvement for use and operation as a part of the State Docks facilities and providing for the retirement of all or any part of the revenue bonds heretofore issued by Alabama State Docks Department.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

The State of Alabama is authorized to become indebted for improvements at the Alabama State Docks and the refunding of State

Docks revenue bonds, and in evidence of the indebtedness so incurred to issue and sell, in addition to all other bonds of the State, interest bearing general obligation bonds of the State not exceeding ten million dollars (\$10,000,000) in principal amount. The full faith and credit and taxing power of the State are hereby pledged to the prompt and faithful payment of the principal of the bonds and the interest thereon. The Alabama State Docks Department (which term as used herein shall be construed to include any other agency of the State that may succeed to said Department's functions) shall pledge and use so much of the revenues derived from its seaport facilities as may be necessary to pay at their maturities the principal of and interest on said bonds, and may pledge, agree to use, and use so much of said revenues as the said Department with the approval of the Governor may determine shall be necessary or desirable to build up and maintain reserves for the payment of said principal and interest and for the maintenance, replacement and improvement of its seaport facilities. The proceeds from the sale of any such bonds shall, after payment of the reasonable and necessary expenses of their issuance, be set aside in a special fund in the State Treasury and shall be paid out to the Alabama State Docks Department upon authorization by the Governor and shall be held by the said Department in a special trust fund designated "State Docks Bond Fund" and therefrom be disbursed as follows:

(a) not exceeding \$3,000,000 may be used to pay the reasonable and necessary costs of constructing and equipping works of internal improvement for use and operation as a part of the State Docks facilities; provided that, if said Department shall have issued subsequent to July 1, 1963, any notes in anticipation of the sale of bonds for any of said purposes, then so much as may be necessary, not exceeding \$1,000,000, of said \$3,000,000 shall be used to retire or fund said notes; and

(b) not exceeding \$7,000,000 may be used to refund and provide for the retirement of all or such part of the outstanding revenue bonds heretofore issued by said Department as the Director thereof, with the approval of the Governor, shall deem advantageous, including payment of any redemption premiums required under the terms of said outstanding bonds to be paid in order to effect redemption thereof prior to their maturities; provided, that pending any redemption date or dates on which the outstanding bonds so refunded can be redeemed under their terms, any part of said \$7,000,000 and any other funds of the said Department may be invested in securities that are direct obligations of the United States of America, and such securities may be deposited by said Department under irrevocable trust agreements, which said Department is hereby authorized to enter into with any corporate trustee, and used to pay principal, interest and redemption premiums on said outstanding bonds.

Alabama State Docks Department is hereby vested with full authority, except as limited herein, to prescribe the terms of the bonds and to provide for the issuance and sale thereof. The bonds may be sold, executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest or both, with rights of conversion into another form, may be payable in such installments and at such place or places, may bear interest at such rate or rates, payable and evidenced in such manner, and may contain provisions for redemption at the option of the State to be exercised by the State Docks Department at such date or dates prior to their

maturity and upon payment of such redemption price or prices, all as shall be provided by the said Department in the order or orders under which the bonds are issued. The principal of each series of bonds shall mature in annual installments in such amounts as shall be specified in the authorizing order or orders, the first of which installments shall mature not later than one year after the date of the bonds of such series and the last of which installments shall mature not later than twenty years after the date of the bonds of the same series. When each series of bonds is issued, the maturities of the bonds of that series shall, to such extent as may be practicable, be so arranged that during each then succeeding fiscal year of the state the aggregate installments of principal and interest that will mature on all bonds that will be outstanding hereunder, immediately following the issuance of the bonds of that series, will be substantially equal; provided, that the determination by the said Department that the requirements of this sentence have been complied with shall be conclusive of such compliance and the purchasers of the bonds with respect to which such determination is made and all subsequent holders shall be fully protected by such determination. None of the bonds shall be sold for less than face value plus accrued interest thereon to the date of delivery. The bonds shall be sold only at public sale or sales, either on sealed bids or at auction, after such advertisement as may be prescribed by the said Department to the bidder whose bid reflects the lowest net interest cost to the State computed to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the said Department is received all bids may be rejected.

The bonds shall be signed in the name of the State by the Governor and countersigned by the State Docks Director, and the Great Seal of the State of Alabama or a facsimile thereof shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the Secretary of State; provided, that facsimile signatures of any one or any two (but not all) of said officers may be reproduced on any of such bonds in lieu of being manually signed thereon. Coupons attached to the bonds and representing installments of interest thereon shall be signed with the facsimile signature of the State Treasurer, which facsimile signature shall constitute due and sufficient authentication of said coupons.

All bonds issued under the provisions of this amendment, together with the interest income thereon, shall forever be exempt from taxation in this State.

The authorization to incur debt and issue bonds contained in this amendment shall supersede and take the place of any authorization for Alabama State Docks Department to issue revenue bonds granted by act of the Legislature in effect on the effective date of this amendment.

The provisions of this amendment shall be self-executing and authorization from or other action by the Legislature shall not be a prerequisite to the issuance of bonds hereunder.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.	Eddins	Lolley	Nichols
Adams	Evans	Lowe	Reynolds
Bentley	Gilchrist	Mathews	Robison (Pickens)
Brannan	Givhan	McCain	Shelton
Carter	Hammond	McDow	Taylor
Clark	Hawkins	Metcalf	Tyson
Cooper	Hornsby	Montgomery	Wilson
Dumas	James		

—29

Nays:

—0

And said Bill, as thus amended by the substitute, was then read a third time at length as required by the Constitution, and passed and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 0.

Yeas:

Messrs.	Eddins	Lolley	Oden
Adams	Evans	Lowe	Reynolds
Bentley	Gilchrist	Mathews	Roberts
Brannan	Givhan	McCain	Shelton
Carter	Hammond	McDow	Taylor
Clark	Hawkins	Metcalf	Tyson
Cooper	Hornsby	Montgomery	Wilson
Dumas	James	Nichols	

—30

Nays:

—0

REPORTS OF COMMITTEES

Mr. Dumas, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hawkins:

S. 247. To amend Sections 1, 5, 15, 21 and 25, Act No. 704, H. 475, Regular Session 1951 (Acts 1951, p. 1224) increasing the financial requirements for proof of responsibility under the Alabama Motor Safety Responsibility Act.

By Mr. Tyson:

S. 263. To impose extra, new, and additional duties upon the director of the Legislative Reference Service and provide him additional compensation for the performance of such duties.

By Mr. Wilson:

S. 194. To amend Code of Alabama 1940, Title 7, Section 452, in relation to the penalty imposed on defaulting witnesses.

By Mr. Hawkins:

S. 188. To amend Code of Alabama 1940, Title 30, Section 101 relative to polling juries in civil and criminal cases.

By Mr. Hawkins:

S. 187. Proposing an amendment to the Constitution of Alabama relating to the right to trial by jury; providing for jury verdicts in civil cases by vote of ten or more jurors trying the case.

The above Bill was read a second time at length as required by the Constitution.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mathews:

S. 308. To amend section 78, Title 13 of the Code of Alabama of 1940, as amended.

By Mr. Mathews:

S. 309. To amend section 57, title 13 of the Code of Alabama of 1940, as amended.

By Mr. Mathews:

S. 310. To amend section 62, Title 13 of the Code of Alabama of 1940, as amended.

By Mr. McDow:

S. 146. To amend further Section 1 of Act No. 691, S. 284, approved September 5, 1951, (Acts of Alabama, p. 1192), entitled "An Act to fix the compensation of Court Reporters, and providing for the payment thereof".

By Mr. Rast et al:

H. 516. To propose an amendment to the Constitution of Alabama to authorize the State to become indebted and issue its general obligation bonds in a principal amount not exceeding \$200,000 for the purpose of financing the construction, reconstruction, alteration and improvement of school facilities, including the construction and equipment of a gymnasium, for the Alabama Boys Industrial School.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Bevill et al:

H. 401. Relating to taxation: To exempt certain ingredients used in mixing and preparing feeds for livestock and poultry from the State Sales and Use Taxes.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwyn et al (With Amendment):

H. 94. To amend Act No. 248, H. 87, Regular Session 1955 (Acts 1955, v. 1, p. 586), an act levying a state lodgings tax, so as to increase the rate of the tax and to provide further for the distribution of revenue derived therefrom.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Engel, Nabors, Burns and McDermott:

H. 389. To amend further Section 1 of Act No. 691, S. 284, Regular Session 1951 (Acts 1951, p. 1192), entitled "An Act to fix the compensation of court reporters, and providing for the payment thereof," in relation to the compensation of the court reporters of the Thirteenth Judicial Circuit.

By Mr. Eddins:

S. 213. To make a special appropriation to the Department of Archives and History.

By Messrs. Cooper, Clark, Givhan, Lowe, Wilson, Bentley, Brannan, Mathews, Carter, Metcalf, McDow, Lolley and Reynolds:

S. 203. To further regulate the compensation of members of county boards of registrars; amending Code of Alabama 1940, Title 17, Section 24.

By Mr. Hawkins:

S. 237. Relating to the Sixteenth Judicial Circuit; providing for an additional circuit court judge in such circuit.

Mr. Carter, Vice-Chairman of the Standing Committee on Insurance, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Carter (With Substitute):

S. 234. Relating to required coverage in motor vehicle bodily in-

jury liability insurance policies or contracts issued or delivered in this State requiring all such policies or contracts of insurance to include a provision insuring the insurer and providing to pay the insured such sum as he may be legally entitled to recover as damages from the owner or operator of an uninsured motor vehicle and providing for the insured to have the right to reject such coverage.

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Montgomery (With Notice and Proof):

S. 299. Relating to Greene County; authorizing the governing body of the county to provide clerk-hire allowances for certain county officers payable from county funds.

By Mr. Bentley (With Notice and Proof):

S. 314. Relating to Blount County; to fix the time of opening and closing the polls in said county.

By Mr. Evans (With Notice and Proof):

S. 315. Relating to Choctaw County; authorizing the court of county commissioners to fix the salary of the first and second deputies sheriff; repealing conflicting laws.

By Mr. Tyson:

S. 317. To amend Section 1 of Act No. 126, Second Special Session 1963, relating to advisory elections in cities having populations of 200,000—300,000; prescribing the form of the statement of the question or proposition to be presented.

By Mr. Adams:

S. 319. To amend Act No. 217, H. 275, Regular Session 1961 (Acts 1961, p. 244), entitled "An Act To provide for and prescribe the form of government of all cities having populations of not less than 30,000 nor more than 31,500."

By Messrs. Callahan, Brown (Tuscaloosa) and Campbell (Tuscaloosa):

H. 533. To provide and providing that in all counties in Alabama whose population is not less than 100,000 people and not more than 115,000 people according to the 1960 or any subsequent Federal decennial census that all non-profit public general hospitals which are agencies of such counties or of any city located in such counties or of both such counties and cities, and all hospital boards operating such hospitals within such counties, shall be authorized and empowered to adopt, contract for, obtain and maintain a retirement pension plan for its officers and employees or such of its officers and employees as it may determine, and to contract for, obtain and maintain a pension trust agreement with any bank, banking institution or insurance company authorized by law to act as a trustee in the State of Alabama, and to contribute and pay to such trustee all funds and monies reasonably necessary to provide for all retirement pensions provided for in said retirement pension plan and all costs or expenses of

servicing the same, and to contract for, obtain and maintain policies of group life, health, accident and hospitalization insurance and insured or uninsured retirement plans for its officers and employees or for such of its officers and employees as it shall determine to be entitled thereto.

Mr. Brannan, Chairman of the Standing Committee on Agriculture, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Metcalf and Clark:

S. 135. To further promote the agricultural interests of the state by providing for the acquisition, establishment, equipment, operation, and maintenance of state farmers' markets; and to define the duties, powers, and authority of the state board of agriculture and industries and the commissioner of agriculture and industries in relation to such markets.

By Messrs. Turner (Limestone), Rogers, Casey and Turnham:

H. 284. To propose an amendment to the Constitution of Alabama authorizing the Legislature to provide for promotion of production, distribution, marketing, use, improvement and sale of poultry and poultry products.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. Turner (Limestone), Rogers, Casey and Turnham:

H. 285. To authorize and provide for the promotion of the production, marketing and use of eggs and egg products by research, education, advertising and other methods; prescribing a method whereby producers of eggs may act jointly with handlers, buyers and processors of poultry and poultry products and with the State Board of Agriculture and Industries for a promotional program; providing that producers of eggs who own or have possession of hens may by referendum levy upon themselves assessments for financing a promotional program and for the collection and expenditure of funds collected from assessments, the regulations, requirements and authority relative thereto; prescribing duties of the Commissioner of Agriculture and Industries and the State Board of Agriculture and Industries with respect to such a promotional program; and providing for the administration thereof by nonprofit associations; and providing for the collection of assessments by dealers, handlers, processors or other purchasers of hens; requiring an annual permit of such dealers, processors and buyers of hens; refund rights of sellers of hens; and other administrative, enforcement and penalty provisions in connection with such a promotional program.

Mr. Smith, Chairman of the Standing Committee on Immigration, Industrial Resources and Labor, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Smith et al (With Amendment):

H. 391. To provide that all paid firemen in cities or towns with

a population of twenty-nine thousand or more shall not be required to work in excess of 56 hours for any average week throughout the calendar year.

Mr. Lowe, Chairman of the Standing Committee on Printing, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Carter:

S. 180. To amend further Section 713 of Title 7, Code of Alabama 1940, which relates to the printing and publishing of legal advertisements.

Mr. Taylor, Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mathews:

S. 288. To authorize the governing bodies of any two or more counties, or the governing bodies of any two or more municipalities within a single county, or the governing bodies of any two or more municipalities situated within different counties, or the governing bodies of any one or more counties and the governing bodies of any one or more municipalities situated in whole or in part in any one of said counties to establish regions for planning purposes and to appoint regional planning commissions.

By Mr. Mathews:

S. 289. To authorize and empower all planning commissions, planning boards or other planning agencies within the State of Alabama, whether designated state, regional, joint, county, municipal or otherwise, to perform comprehensive planning and related activities, including transportation planning, for the respective geographical areas as to which planning power has heretofore been delegated to such commissions, boards, or other agencies by the Legislature of Alabama; to provide that, where now or hereafter authorized by compact or otherwise, such comprehensive planning may embrace areas where rapid urbanization has occurred or is expected to occur and which said areas extend into adjoining states; to authorize said commissions, boards and other agencies, upon request, to provide planning assistance to cities, other municipalities, groups of adjacent communities and regional planning agencies; and to authorize said commissions, boards and other agencies to contract for and to accept and utilize grants and other assistance for planning from any and all agencies which now or hereafter legally may contract as to and make grants or afford other assistance for comprehensive planning.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business of yesterday, which was the Bill:

S. 77. To grant authority to the Department of Conservation to require parties requesting the advertisement of State lands for

oil and gas lease purposes to pay for such advertising as may be required by law and to further grant authority to the Department of Conservation to make reasonable charges for copies of its oil and gas lease tract charts.

And said Bill was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nays 0.

Yeas:

Messrs.	Gilchrist	Lowe	Reynolds
Adams	Givhan	Mathews	Roberts
Brannan	Hammond	McCain	Robison (Pickens)
Carter	Hawkins	McDow	Shelton
Clark	Hornsby	Montgomery	Taylor
Cooper	James	Nichols	Tyson
Eddins	Lolley	Oden	Wilson
Evans			

—28

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Brown (Tuscaloosa) and Campbell (Tuscaloosa):

H. 268. To alter, rearrange and extend the boundary line of the City of Northport, in Tuscaloosa County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama, at any regular or special session subsequent hereto, and application for its passage and enactment into law will be made.

A BILL TO BE ENTITLED AN ACT

To alter, rearrange and extend the boundary line of the City of Northport, in Tuscaloosa County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the corporate limits of the City of Northport, Tuscaloosa County, Alabama, be altered, rearranged, changed and

extended so as to include within the corporate limits of said City all of the following additional territory:

PARCEL 1:

As a point of beginning start at the Southeast corner of Section 33, Township 20 South, Range 10 West, which point is on the present city limits of the City of Northport, Alabama; thence Westwardly along the South boundary of said Section 33 and also the present city limits of the City of Northport to the Southwest corner of the Southwest Quarter of the Southeast Quarter of said Section 33; thence Northwardly along the West boundary of said Southwest Quarter of the Southeast Quarter to a point that is 210.0 feet South of the Northwest corner of said Southwest Quarter of the Southeast Quarter; thence Westwardly and parallel to the North boundary of the Southeast Quarter of the Southwest Quarter of said Section 33 for a distance of 210.0 feet to a point; thence Northwardly and parallel to the East line of said Southeast Quarter of the Southwest Quarter for a distance of 210.0 feet to a point on the North line of said Southeast Quarter of the Southwest Quarter; thence Eastwardly along the North line of said Southeast Quarter of the Southwest Quarter for a distance of 210.0 feet to the Northeast corner of said Southeast Quarter of the Southwest Quarter; thence Northwardly along the West line of the Northwest Quarter of the Southeast Quarter of said Section 33 to an intersection with the South boundary of the Shirley Road; thence Northwestwardly along the curving North boundary of said Shirley Road to an intersection with the West boundary of Lot 21 of the Foster Acres survey, a plat of said survey being recorded in Plat Book 5, at Page 97, in the Probate Office of Tuscaloosa County, Alabama; thence Northwestwardly and along the Southwest line of said Lot 21 to the Northwest corner of said Lot 21; thence Eastwardly along the North boundary of said Lot 21 to the Northeast corner of said Lot 21; thence Northwardly along the West line of Lot 19 of said Foster Acres to the Northwest corner of said Lot 19; thence continue Northwardly along the West boundary of Lot 10 of said Foster Acres for a distance of 660 feet, more or less, to the mid-point of the West line of said Lot 10; thence Eastwardly to the mid-point of the East line of said Lot 10; thence Southwardly for a distance of 660 feet, more or less, to the Southeast corner of said Lot 10; thence Southwardly along the West line of said Lot 19 to a point that is 231 feet, more or less, North of the Southeast corner of said Lot 19; thence Eastwardly to the Northeast corner of the Northeast Quarter of the Southeast Quarter of said Section 33; thence Eastwardly to the Northeast corner of the Northwest Quarter of the Southwest Quarter of Section 34, Township 20 South, Range 10 West; thence Southwardly to the Southeast corner of the Southwest Quarter of the Southwest Quarter of said Section 34; thence Westwardly to the Southwest corner of said Section 34, which is the point of beginning.

PARCEL 2:

A parcel of land located in the Southwest corner of Section 3, Township 21 South, Range 10 West, being more particularly described as follows:

As a point of beginning start at the Southwest corner of said Section 3; thence Northwardly along the West line of said Section 3 for a distance of 636.6 feet to a point; thence Eastwardly on a bearing of North 88 degrees East to a point on the West boundary of U. S. Highway No. 69; thence Southwardly along the West boundary of said U. S. Highway No. 69 to an intersection with the South boundary

of said Section 3; thence Westwardly along the South line of said Section 3 to the point of beginning.

PARCEL 3:

As a point of beginning start at the Southeast corner of Section 10, Township 21 South, Range 10 West; thence Westwardly along the South boundary of said Section 10 to the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 10, said point being on the existing city limits of the City of Northport, Alabama; thence Northwardly along the West line of said Southeast Quarter of the Southeast Quarter to an intersection with the center of Snow's Mill Creek; thence Northwardly along the meanderings of the center of Snow's Mill Creek to an intersection with the North boundary of the right-of-way of the Watermelon Road; thence Westwardly along the North boundary of said Watermelon Road to an intersection with the East boundary of the Hunter Creek Road; thence Northwardly along the East boundary of said Hunter Creek Road to an intersection with the South boundary of an old road known as the Old Watermelon Road; thence Eastwardly along the South boundary of said Old Watermelon Road to an intersection with the East line of said Section 10; thence Southwardly along the East line of said Section 10 to the point of beginning, less and except 1.67 acres located in the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 10 and owned by the Morgan Turner Estate.

PARCEL 4:

All that part of the West Half of the Northeast Quarter of Section 15, Township 21 South, Range 10 West, that lies East of the Snow's Mill Creek.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be, and the same are, hereby expressly repealed.

Section 3. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

PROOF OF PUBLICATION

**STATE OF ALABAMA
COUNTY OF TUSCALOOSA**

Before me, the undersigned authority in and for said County in said State, this day personally appeared Buford Boone, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of The Tuscaloosa News, a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on March 8, March 15, March 22, and March 29, all in the year 1963.

BUFORD BOONE,

Sworn to and subscribed before me March 29th, 1963.

LILLA COLLINS,
Title Notary Public.

Also:

By Mr. Heflin:

H. 670. To amend further Section 8 of Act No. 872, H. 1118, Regular Session 1951 (Acts 1951, p. 1505) which act established the Board of Revenue and Control of Chilton County; providing for the nomination of each associate member by the authorized voters of the entire county.

With notice and proof thereto attached and herewith exhibited as follows:

TO ELECT
BOARD MEMBERS
COUNTY-WIDE

A BILL
TO BE ENTITLED
AN ACT

To amend further Section 8 of Act No. 872, H. 1118, Regular Session 1951 (Acts 1951, p. 1505) which act established the Board of Revenue and Control of Chilton County; providing for the nomination of each associate member by the authorized voters of the entire county.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act No. 872, H. 1118, Regular Session 1951 (Acts 1951, p. 1505), as amended, is hereby further amended to read as follows:

"Section 8. Each associate member of said board shall be nominated by the voters of the entire county who are authorized to participate in any primary election, caucus, or convention, called or held by any political party for the nomination of said office. Their nomination by the qualified voters of the district, or of any subdivision of said county less than the whole district, by any primary election, caucus, or convention, is hereby prohibited. Each said associate member shall be a resident and qualified voter of the district for which he is elected and shall reside in said district continuously during the term of his office."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CHILTON

Before me, the undersigned authority in and for said County in

said State, this day personally appeared R. M. Tucker, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was editor of the Chilton County News, a newspaper of general circulation published in Chilton County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 6, June 13, June 20, and June 27, all in the year 1963.

R. M. TUCKER,

Sworn to and subscribed before me June 25th, 1963.

J. C. BURNETTE,
Title Notary Public.

Also:

By Mr. Fite:

H. 684. Proposing a constitutional amendment relating to Marion County.

Also:

By Messrs. Slate and Brewer:

H. 695. Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the 1960 or any subsequent federal decennial census; authorizing the court of county commissioners, board of revenue or like governing body of such counties to appropriate public funds of the county for payment of certain equitable and just claims for which the county is not legally liable.

Also:

By Messrs. Hester and Cantrell:

H. 702. To amend Section 2 of Act No. 139, H. 90, First Special Session 1956, an act relating to the office of circuit solicitor of the thirty-first judicial circuit of Alabama.

Also:

By Messrs. Etheredge, Rast, Brown (Jefferson), Sessions, Bailes, Vacca, Gilmore, Locke, Bethea (M), Hawkins, Perry, Morrow, Bethea (B), Bowers and Dominick:

H. 676. To apply in counties having a population of 600,000 or more according to the last or any subsequent federal decennial census; to provide further for the duties and authority of the judge of probate and the county commission or county governing body of such county; to regulate further the Probate Court and the offices of the Judge of Probate in such counties; to prescribe further the manner of keeping records and recording documents, instruments and paper; to authorize and permit the use of photograph or microphotograph machines for recording documents and papers, and for preserving such on film and microfilm; to direct the discontinuance of keeping copies or prints or records in large and well-bound books, and to permit the storing or destruction of such books or records after photographing or reproducing the same on film records; to authorize and permit the discontinuance of keeping both "Minute Books" and "Final Record Books", and to provide the manner of keeping records of the

Probate of wills; to provide further the manner of entering partial or full satisfaction of the record of any mortgage lien or other instrument; to authorize the judge of probate to adopt and promulgate reasonable rules and regulations controlling public access to the system of recording and preserving records; to make inapplicable insofar as said counties are concerned, the provisions of Section 280 of Title 13, Code of Alabama, 1940, as amended, and to amend and repeal all laws or parts of law inconsistent with or in conflict with this act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 268, 670, 684, 695, 702 and 676 — to the Committee on Local Legislation

(The above-numbered Bill, H. B. 684, was read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Callahan, Campbell (Tuscaloosa) and Brown (Tuscaloosa):

H. 108. To amend further Section 2 of Title 51, Code of Alabama 1940, in relation to the amount of property of blind persons exempted from ad valorem taxation.

Also:

By Messrs. Callahan, Campbell (Tuscaloosa) and Brown (Tuscaloosa):

H. 109. To amend Section 832 of Title 51, Code of Alabama 1940, in relation to the amount of exemption for blind persons from state, county, or municipal privilege licenses.

Also:

By Messrs. Rogers, Goodwyn, Wood, Nabors, Brown (Jefferson), Perry, Smith, Engel, Mashburn, Nettles, Fite, Turner (Crenshaw), Faulk, Hogan, McDermott, Jones (Monroe), Turner (Limestone), Etheredge, Hester, Merrill, Grouby, Gilmore, Cornett, Morrow, Drake, Moore, Goldthwaite, Brewer, Sessions, Bailes, Sullivan, Daniel, Fields, Edington, Downing, Little, Pierce, Carr and Collins:

H. 577. To fix the compensation of the director of the Legislative Reference Service; repealing conflicting laws.

Also:

By Mr. Fite:

H. 496. Relating to supernumerary court reporters; amending Act No. 817, H. 298, Regular Session 1961, in relation to eligibility for such appointments, providing that an official reporter of the Alabama Public Service Commission may become a supernumerary reporter.

Also:

By Messrs. Rogers, Downing, McDermott, Engel, Hogan, Fields, Nettles and McCorquodale:

H. 388. To amend Sections 647 and 649 of Title 51, Code of Alabama 1940, as last amended by Act No. 948, 1961 Acts of Alabama, page 1523, relating to the excise tax on gasoline, so as to provide that one-half of one per cent of the state excise gasoline taxes collected in this State, with certain exceptions, shall be deposited to the Water Safety and Seafood Funds, and to provide for the expenditure of such funds deposited; and to repeal all laws or parts of laws in conflict with the provisions of this Act.

Also:

By Mr. Snell:

H. 128. To amend Section 1 of Act No. 644, S. 328, approved September 16, 1953, Acts of Alabama, Regular Session, 1953, page 903, entitled, "An Act relating to fish and game; authorizing the use of certain species of the sunfish family for bait in the streams and waters in the State of Alabama."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 108, 109, 577, 496 and 388 — to the Committee on Finance and Taxation

H. B. 128 — to the Committee on Fish and Game

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 241. To further amend Section 2 of Act No. 501, S. 399, Regular Session 1957 (Acts 1957, p. 688) relating to the office of the judge of probate of Madison County, providing for an increased appropriation of county funds for the operation of such office and authorizing an additional contingent appropriation therefor.

Also:

S. 123. To alter, rearrange and extend the boundary line of the City of Northport, in Tuscaloosa County, Alabama:

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Edington, Fields, Smith, McDermott, Engel, Downing and Rogers:

H. 499. To permit the Governing Body of Mobile County to establish a Board of Recreation for the supervision and management of recreational programs and facilities within the County, defining the duties and authority of such Board, and authorizing appropriations therefor and donations thereto.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that the following bill pertaining to Mobile County will be introduced in the current regular session of the Alabama Legislature:

A BILL TO BE ENTITLED AN ACT

To permit the Governing Body of Mobile County to establish a Board of Recreation for the supervision and management of recreational programs and facilities within the County, defining the duties and authority of such Board, and authorizing appropriations therefor and donations thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. The Governing Body of Mobile County is hereby authorized to establish a Board of Recreation for the purpose of supervising, managing and maintaining public recreational facilities and activities, including the sponsoring of recreational programs within the County. Such Board, if and when established, shall consist of three members, one of whom shall be designated by the Governing Body of Mobile County as Chairman. The members shall be appointed by the Governing Body of the County and shall serve without compensation and at the pleasure of said Governing Body.

Section 2. The Board of Recreation, when established in accordance with the provisions of this Act, shall be responsible for the direction, supervision and promotion of such recreational programs as will contribute to the general welfare of the residents of the County. The Board shall have control over all lands, buildings, equipment, and other facilities assigned for recreational purposes to the Board by

the County, any municipal Governing Body within the County, or any other Governmental Agency within the County. The Board shall cooperate with other local agencies and state and federal agencies for the purpose of providing, maintaining and improving recreational services and facilities for the County.

Section 3. The Board of Recreation, when established as herein provided, is authorized to establish a Trust Fund from public donations, or otherwise, for the support and maintenance of such recreational programs, and shall have the power to accept financial and other aid and grants from any public or private agency, and all monies received by said Board shall be placed in said Trust Fund. The proceeds of the Trust Fund or other sources of revenue shall be used for the support, operation and maintenance of such recreational programs. The Board shall be charged with the duty of keeping proper records and accounts of the Trust Fund, and shall, on request, submit reports on same to the County Governing Body or other public or private bodies who have contributed to the Trust Fund. These records and accounts shall be public records and shall be open to public inspection at all reasonable times.

Section 4. The Governing Body of Mobile County, the governing bodies of the several municipalities within the County, and any other governmental agencies within or without the State of Alabama, may make appropriations to the Board of Recreation when established as herein provided, and further may, with the consent of said Board, assign, designate, or convey any lands, buildings, or facilities under their control for the support, maintenance, and operation of the recreational facilities and programs of said Board.

Section 5. The Board of Recreation, when established as herein provided, shall adopt rules and regulations covering the procedure of the Board and the use of lands, buildings, equipment, and other facilities under its jurisdiction. However, said Board shall have no power to exercise the jurisdiction herein granted to it within any municipality without the consent of such municipality and without the compliance by said municipality with the rules and regulations adopted by the Board.

Section 6. The Board of Recreation, when established as herein provided, may employ such staff members as may be necessary or desirable to put into effect and carry out the recreation program established by the Board, and such employees shall serve under the provisions of the Civil Service Act in force in Mobile County. The Board of Recreation shall be the appointing authority for all such employees.

Section 7. All laws or parts of laws in conflict herewith are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

C. R. Willisson being sworn, says that he is Office Manager of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and the attached notice appeared in the issue of The Mobile Register May 11, 18, 25; June 1, 1963.

C. R. WILLISSON,

Sworn to and subscribed before me This 1 day of June, 1963.

EDWIN LEE PERKINS,
Notary Public.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 499 — to the Committee on Local Legislation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Bailes, Perry, Rogers, Vacca, Meeks and Rast:

H. 162. To provide for the creation of apartment ownership, and to prescribe regulations therefor.

Also:

By Messrs. Avery, Cates, Davis, Reynolds, Owens and Young:

H. 615. To fix the pay of election officers; repealing conflicting laws.

Also:

By Messrs. Avery, Young and Barnett:

H. 41. To amend Act No. 688, H. 336, Regular Session 1953 (Acts 1953, v. 2, p. 940) in relation to the operation of certain trailers on the highways of the state under certain conditions.

Also:

By Messrs. Avery, Hain, Blanton, Steagall, Holladay, Bolton, Casey, Burns, Owens, Beville, Scurlock, Perry, Morrow and Brown (Jefferson):

H. 379. To amend Section 567, Title 52, Code of Alabama 1940, which relates to the time when title to sixteenth section lands may be acquired by adverse possession.

Also:

By Messrs. Avery, Young, Carr, Snell and Baker (Madison):

H. 235. To provide for the issuance of special motor vehicle license tags or plates to certain disabled veterans; prescribing penalties for misuse of such tags or plates.

Also:

By Mr. Thomas:

H. 122. To establish the State Board of Health as the state radiation control agency for regulating, licensing and inspecting sources and uses of radioactive materials and machines and devices producing ionizing radiation; to authorize the agency to promulgate rules and regulations and prescribe registration, license, and inspection regulations to regulate such materials, machines and devices; to authorize such agency to cooperate and enter into agreement with other agencies of this State, the Federal Government, interstate and state agencies, and groups concerned with control of such materials, machines and devices; to empower the agency to accept and administer loans, grants, or other funds in furtherance of its functions, and to conduct training or research relative to control of sources of ionizing radiation; to provide for the appointment of a Radiation Advisory Board to review and evaluate policies and programs relative to ionizing radiation and to advise the said agency on any matter coming before said agency; to authorize the Governor to enter into certain agreements with the Federal Government; to provide an opportunity for hearings and judicial review by persons affected by agency orders, rules, or actions; to provide for enforcement of this Act; to prohibit certain acts relative to any source of ionizing radiation; to prescribe penalties for violation of this Act; to repeal conflicting laws; to provide for the effective date of this Act; and to provide an appropriation for carrying out the purposes of this Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 162 — to the Committee on Judiciary

H. B.'s 615 and 235 — to the Committee on Finance and Taxation

H. B. 41 — to the Committee on Public Roads and Highways

H. B. 379 — to the Committee on Forestry and Conservation

H. B. 122 — to the Committee on Public Health

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Pierce, Little, Goodwyn, Goldthwaite, Perry, Etheredge, Hawkins, Sessions, Vacca, Gilmore, Bailes, Bowers, Morrow, Bethea (B), Rast and Brown (Jefferson):

H. 249. To amend Section 12 (2) of Title 51, Code of Alabama, 1940 relating to exemptions from any and all state, county and municipal taxes, licenses, fees, and charges of any nature whatsoever.

Also:

By Messrs. Pierce, Goodwyn, Goldthwaite and Little:

H. 395. To amend schedule 105 of the Revenue Act of 1935, codified as section 569 of Title 51 of the Code of 1940, and thereby to classify photographers for privilege license tax purposes, and to establish the amount of the privilege license tax.

Also:

By Messrs. Pierce and Turnham:

H. 96. To amend Title 51, Section 646, Code of Alabama, 1940, as amended.

Also:

By Mr. Pierce:

H. 294. Further amending Section 9 of Title 22, Code of Alabama 1940, relating to Public Health.

Also:

By Messrs. Pierce, Goodwyn, Little and Goldthwaite:

H. 420. To amend Section 501 of Title 51 of the Code of Alabama (1940) which provides for licenses for credit reporting companies.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 249, 395 and 96 — to the Committee on Finance and Taxation

H. B. 294 — to the Committee on Public Health

H. B. 420 — to the Committee on Judiciary

BILLS ON THIRD READING RESUMED

The Bill:

S. 8. To regulate the lending of money repayable in installments, whether secured or unsecured; to provide the maximum rate of interest and other charges on such transactions; to regulate such transactions; to prescribe penalties for violation of this Act; to define the phrase "installment loan" for the purposes of this Act; to provide for a short title therefor so that the same may be cited as the "Installment Loan Act"; to provide for the repeal of inconsistent laws heretofore

enacted; to provide exemptions from the provisions of this Act; to provide when this Act shall take effect, and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

was taken up.

ADJOURNMENT

At 11:55 A. M., on motion of Mr. Clark, pending further consideration of S. B. 8, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, July 23, 1963, at 12 o'clock Noon.

TWENTY-FOURTH LEGISLATIVE DAY

TUESDAY, JULY 23, 1963

The Senate met pursuant to adjournment, Lieutenant Governor Allen presiding.

PRAYER

The Session was opened with prayer by the Reverend Earl Hall, Pastor, Normandale Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.	Eddins	Lolley	Reynolds
Adams	Evans	Lowe	Roberts
Allen	Gilchrist	Mathews	Robison (Montgomery)
Bentley	Givhan	McCain	Shelton
Brannan	Hammond	McDow	Smith
Carter	Hawkins	Metcalf	Taylor
Clark	Hornsby	Montgomery	Tyson
Cooper	Horton	Nichols	Wilson
Dumas	James	Oden	

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JOURNAL

On motion of Mr. Nichols, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

WILLIAM C. McCAIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. McCain, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Third Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Eddins, leave of absence was granted Mr. Robison (Pickens) for today.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 154. To fix the compensation and allowance of certain election officers in every county of the state having a population of not less than 24,525 nor more than 24,675 according to the last or any subsequent federal decennial census.

Also:

S. 163. To alter, rearrange, and extend the boundaries and corporate limits of the Town of Butler so as to annex certain territory to the town.

Also:

S. 168. To Amend Section 4 of Act No. 119 of the Regular Session of the Legislature of 1961, an act providing for deputies, clerks and other assistants of certain officers of Houston County; regulating the compensation of such deputies, clerks and assistants.

Also:

S. 169. To establish in the 20th Judicial Circuit of Alabama the office of Clerk-Secretary to the Circuit Solicitor of the said 20th Judicial Circuit; to prescribe the duties of the said Clerk-Secretary; to fix his or her term of office and to prescribe the pay for said Clerk-Secretary, and to provide for the payment of the salary of said Clerk-Secretary out of the general funds of Houston and Henry Counties of Alabama.

Also:

S. 170. To make an appropriation from the county treasury of Houston County for the relief of Mrs. A. R. Gissendanner.

CHARLES A. MONTGOMERY,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

REPORT OF COMMITTEE ON
ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled to-wit:

S. 123. To alter, rearrange and extend the boundary line of the City of Northport, in Tuscaloosa County, Alabama.

Also:

S. 241. To further amend Section 2 of Act No. 501, S. 399, Regular Session 1957 (Acts 1957, p. 688) relating to the office of the judge of probate of Madison County, providing for an increased appropriation of county funds for the operation of such office and authorizing an additional contingent appropriation therefor.

Also:

S. J. R. 24. Deploring efforts to silence unlimited parliamentary debate in the U. S. Congress.

Also:

S. J. R. 28. Inviting members of the Legislature to view the Safety Showcase exhibit.

Also:

S. J. R. 31. Thanking the Mobile Area Chamber of Commerce, and the people of Mobile for an enjoyable vacation at Dauphin Island.

CHARLES A. MONTGOMERY,
Chairman.

SIGNING OF BILLS AND SENATE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 182. To amend further Code of Alabama 1940, Title 36, Sections 60 and 61, in relation to the amount of the license payable by motor vehicle operators.

Also:

H. 266. To amend Code of Alabama 1940, Title 41, Section 10, in relation to the commissioning of notaries public.

Also:

H. 288. To make an appropriation from the State Treasury to the use of the Department of Public Safety and Conservation and the Alcoholic Beverage Control Board.

Also:

H. 352. To alter or re-arrange the boundary lines of the City of Gadsden, Etowah County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Etowah County, Alabama.

Also:

H. 480. To amend further Act No. 541, H. 512, Regular Session 1951, an act providing for the allocation of the duties of the chairman and members of the city commission of certain cities classified on a population basis and providing for their compensation.

Also:

H. 489. Providing further for the construction, maintenance and repair of roads and bridges in Lauderdale County; relieving the state highway department of certain duties relative to such construction, maintenance and repair; transferring such duties to the county governing body of Lauderdale County; providing for the transfer from the state highway department to the Lauderdale County governing body of certain funds, road equipment, machinery and supplies; providing for the assumption and retirement of outstanding debts incurred in the construction, maintenance and repair of Lauderdale County roads and bridges; requiring roads and bridges of Lauderdale County to be constructed, maintained and repaired on the basis of the county as a unit; providing for and requiring the appointment of a county engineer; repealing Act No. 30, H. 69, Regular Session of 1953 (Acts 1953, p. 32) and other conflicting laws; and providing that this act shall become operative only if approved at a referendum held in Lauderdale County, as herein provided.

Also:

H. 490. Relating to Lauderdale County, providing for additional meetings of the board of registrars.

Also:

H. 491. To change the method of compensating certain officers of

Lauderdale County, placing such officers on a salary basis, and providing for the operation of their offices on such basis.

Also:

H. 133. To amend the Title and Section 1 of Act No. 68, H. 92, First Special Session 1956 (Acts 1956, p. 101), entitled "An Act To fix the compensation of members of the court of county commissioners, board of revenue, or like governing body of all counties having a population of not more than 11,900, according to the last or any subsequent federal decennial census."

Also:

H. 387. Relating to Madison County; authorizing the sheriff to appoint deputies as needed, whose compensation may be paid by the county; repealing conflicting laws.

Also:

H. 404. Relating to counties having populations of not less than 300,000 nor more than 500,000; to provide further for fixing valuations of real property for ad valorem taxation.

Also:

H. 448. To apply in Mobile County, Alabama, and requiring the payment to Mobile County by payment to the License Commissioner of Mobile County; in addition to all other licenses and taxes required by law, save as specifically in this Act excepted; of a license tax equal to four cents on each twelve fluid ounces, or fractional part thereof, of malt or brewed beverages sold, distributed, delivered, or taken out of storage, within such County; to provide for the payment of such license tax and to provide the machinery for the collection thereof and the operation of this Act; and to provide for the distribution of the proceeds of such license tax; and to provide for the enforcement of this Act, and prescribe penalties and fix punishment for the violation of any of the provisions of this Act; and to provide for the confiscation and destruction of malt or brewed beverages and their containers when distributed, offered for sale, or possessed by a retail dealer, which do not have affixed a decal or other device indicating the payment of the license tax levied by this Act; and to repeal Act No. 415 of the Acts of the Legislature of Alabama of 1947, published in the local Acts of Alabama of 1947 at pages 265-270; as amended by Act No. 622 of Acts of the Legislature of Alabama of 1951, published in the Acts of 1951 at pp. 1074-1076; and to declare ineffective, determined and at an end, all ordinances, presently existing, of any and all municipal corporations in the said County of Mobile levying and providing for the collection of a license tax on malt or brewed beverages.

Also:

H. 463. To alter and re-arrange the boundary lines of the City of Mountain Brook, Alabama, so as to include within the corporate limits of said City, all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

Also:

H. 487. Relating to the court fees and costs of the Court of Common Claims of Jefferson County.

Also:

H. 488. Relating to the court fees and costs of the Jefferson County Civil Court.

Also:

H. 493. Relating to counties having populations of not less than 15,400 nor more than 16,000; fixing the compensation of the county or deputy solicitor in such counties.

Also:

H. 506. Relating to the first judicial circuit of Alabama; regulating and prescribing the qualifications of persons engaged in the bail bond business in such circuit; repealing conflicting laws.

Also:

H. 509. Relating to the town of Newton, in Dale County: exempting certain farm land and appurtenances from municipal ad valorem taxation so long as the same is used for farm purposes.

Also:

H. 513. To authorize, direct and require the Commissioner of Revenue to collect any sales and use taxes now or hereafter levied by the City of East Brewton, Escambia County, Alabama under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said city; and to prescribe the powers, duties and authority of the Commissioner of Revenue, the State Department of Revenue and the State Comptroller with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

Also:

H. 515. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Boligee, in the County of Greene, State of Alabama; and to prescribe the time when this act shall become effective.

Also:

H. 517. To Amend Act No. 843 of the Regular Session of the Legislature of Alabama of 1961, approved September 8, 1961.

Also:

H. 528. To repeal Act No. 132, H. 112, approved September 21, 1959 (Acts of Alabama 1959, vol. 1, p. 654), entitled, "An Act To apply to Pickens County; regulating further the taking of fish from public streams and impounded waters; authorizing the taking of catfish by the use of baskets on which a privilege license tax has been paid; prohibiting the sale of fish so taken."

Also:

H. 529. Relating to Pickens County; providing for coverage of the employees of the county under the Workmen's Compensation Act.

Also:

H. 547. To provide for the compensation of jurors in Choctaw County.

Also:

H. 548. To regulate further the compensation and allowances of election officers in Choctaw County.

Also:

H. 550. To amend further Act No. 132, H. 138, Second Special Session 1959 (Acts 1959, p. 382), an act providing for a law and equity court of Crenshaw County.

Also:

H. 555. Relating to counties having populations of not less than 15,500 nor more than 16,300; vesting in the probate courts of such counties the civil jurisdiction of justice of the peace courts.

Also:

H. 558. To provide for the compensation of county or deputy solicitors in counties having populations of not less than 15,000 nor more than 15,300.

Also:

H. 559. To alter, rearrange and extend the boundaries of the City of Bessemer, Alabama, so as to include within the corporate limits thereof certain additional territory in Section 34, Township 18 South, Range 4 West, Jefferson County, Alabama.

Also:

H. 560. To alter and re-arrange the boundary lines of the City of Birmingham, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and all certain other territory in Jefferson County, Alabama, contiguous to said city.

Also:

H. 566. Relating to counties having populations of not less than 27,000 nor more than 30,000; regulating the compensation of the county superintendent of education of such counties.

Also:

H. 594. Relating to Perry County; to provide for the appointment and compensation of Clerks for the Tax Assessor and Tax Collector of Perry County, Alabama.

Also:

H. 595. Relating to counties having populations of not less than 21,850 nor more than 21,950 according to the most recent federal decennial census; authorizing payment of expense allowances to members of the county governing body.

Also:

H. 596. To authorize and direct the county board of education in all counties having populations of not less than 21,850 nor more than 21,950, according to the most recent federal decennial census, to fix the salary and expense allowance of the county superintendent of education at amounts not less than the salaries and expenses paid to certain other employees of the board.

Also:

H. 600. To repeal Act No. 47, H. 70, Second Special Session 1963, relating to counties having populations of not less than 15,300 nor more than 15,400.

Also:

H. 601. To provide an expense allowance for members of the court of county commissioners, board of revenue, or other like governing body of all counties having populations of not less than 15,300 nor more than 15,400, according to the last or any subsequent federal decennial census; giving the Act limited retroactive effect.

Also:

H. 604. To alter or rearrange the boundary line of the City of Bay Minette, Baldwin County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Also:

H. 446. To vacate certain Streets, Avenues and Alleys, and other public ways in part of the area in the City of Birmingham known as Urban Renewal Project Ala. R-22, occupying part of the area West of Avenue "V", North of Pike Road, East of Avenue "J" and South of Twentieth Street, Ensley.

Also:

H. 364. To authorize Alabama State Docks Department, with the approval of the Governor, to sell and issue from time to time not exceeding \$10,000,000 principal amount of bonds in addition to those heretofore authorized; to provide that the proceeds of said bonds shall be used to provide for the refunding and retirement of outstanding revenue securities heretofore issued by said Department, for the payment of expenses of issuing said additional bonds, and for the construction, improvement and equipment of additional seaport facilities within the State; to permit the issuance hereunder of additional parity bonds, secured on a parity of lien with all bonds issued hereunder, provided the said additional parity bonds are hereafter authorized by the Legislature of Alabama; to provide for the details of bonds issued hereunder, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to authorize said Department, with the approval of the Governor, to issue its notes not exceeding \$1,000,000 in principal amount in evidence of temporary loans made to it; to provide that bonds and notes issued hereunder shall not be or constitute a debt of the State of Alabama, shall not pledge the faith or credit of the State of Alabama, and shall be limited obligations payable solely out of revenues of said

Department; to designate the revenues from which the principal of and the interest on bonds and notes issued hereunder may be made payable; to provide for and authorize the pledge of the said revenues for payment of the said principal and interest; to authorize the Department to invest in direct obligations of the United States of America any funds available for the purpose of retiring said outstanding revenue securities; to provide for the retirement of such outstanding revenue securities by the deposit of cash or such obligations of the United States or both in an irrevocable trust fund, which may be administered by a corporate trustee; to authorize the publication of notice of the adoption of an order authorizing the issuance of bonds hereunder and limiting the time within which any action may be brought to set aside or contest the validity of any such bonds or any proceedings authorizing the same or any pledge or instrument securing the same; to provide that all bonds and notes issued hereunder and the income therefrom shall be exempt from all taxation; and to provide that bonds and notes issued hereunder shall be deemed negotiable instruments, and may be used to secure deposits of funds of the State of Alabama or of any instrumentality or agency of the State, and shall be lawful investments for fiduciary funds; and to provide for the disposition of the revenues of the said Department while any of said bonds or notes are outstanding.

Also:

H. 512. To repeal Act No. 657, H. 1385, Regular Session 1961 (Acts 1961, p. 799), an act which levies sales and use taxes in Elmore County.

Also:

H. 110. To implement the provisions of that certain Constitutional Amendment that was proposed by Act No. 151 adopted at the 1957 Regular Session of the Legislature of Alabama and that authorizes the State to engage in works of internal improvements by promoting, developing, constructing, maintaining and operating along navigable streams and waterways of Alabama all manner of docks and facilities of every kind, in aid of commerce and use of waterways of the State, and to incur indebtedness and issue bonds for said purpose; to authorize the State to engage in such works of internal improvement at an additional cost of not exceeding \$2,000,000; to designate the Alabama State Docks Department and any department or agency of the State that may succeed to its functions as the Agency to undertake, manage, operate and control such developments and improvements; to prescribe the powers, duties and authority of said Department in connection therewith; to authorize the State to become indebted to the extent of not exceeding \$2,000,000 in principal amount to carry out the provisions of this Act and to issue its interest bearing direct general obligation bonds therefor; to prescribe in general the terms of such bonds and the method and manner of the sale and issuance thereof; to exempt the same and the interest thereon from taxation; to provide for the payment for any indebtedness evidenced by bonds issued pursuant to this Act and to pledge the full faith and credit of the State to the payment of such indebtedness; to provide for the refunding of any bonds issued under the said Constitutional Amendment; to provide for investment of the proceeds of any bonds issued hereunder and other funds received under this Act, pending the need for such funds; to provide for the use of funds obtained from the operation of improvements constructed with proceeds of any bonds issued under the provisions of said Constitutional Amendment; to make appropriation for payment of the principal of and interest on bonds issued

under the said Constitutional Amendment from the General Fund of the State; to provide for the acquisition of property for the purposes of this Act and for the exercise of the power of eminent domain with regard thereto; to prescribe the powers and duties of the Governor, the said Department and other officers of the State in carrying out the provisions of this Act; to authorize the said Department to fix and collect reasonable rates and charges for services rendered by, and for use of, facilities established pursuant to this Act; and to require the maintenance of records of the total cost of, the gross revenues from, and the expenses of operating, each unit of development acquired, constructed, or operated pursuant to the provisions of this Act or Act No. 311 adopted at the 1957 Regular Session of the Legislature, Act No. 98 adopted at the 1959 Regular Session of the Legislature or Act No. 716 adopted at the 1961 Regular Session of the Legislature; and to provide that surplus revenues derived from operation of the state docks facilities at the Port of Mobile may be used to meet operating deficits of the facilities constructed under said Constitutional Amendment.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Allen:

S. 327. Relating to counties having populations of not less than 42,000 nor more than 46,000; providing clerical assistance for the county solicitor of such counties.

Committee on Local Legislation.

By Mr. Roberts:

S. 328. To amend Section 1 of Act No. 493 adopted at the 1955 Regular Session of the Legislature of Alabama as the same has been previously amended, relating to municipal public building authorities, so as to enlarge the definition "project" contained in that section to include an auditorium.

Committee on Municipalities
and Municipal Organizations.

By Mr. Carter:

S. 329. To provide for additional supplemental salary to be paid by counties to circuit judges of circuits composed of only one county with a population under 500,000 and having two court houses where

circuit court is required by law to be held; to fix the amount and method of payment thereof, and to further provide for the effective date of this Act.

Committee on Local Legislation.

By Mr. Shelton:

S. 330. Relating to counties having a population of not less than 76,000 nor more than 96,000; Providing for the reidentification of all registered voters; directing the Board of Registrars to purge the list of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Committee on Local Legislation.

By Messrs. Nichols and Mathews:

S. 331. To make an additional appropriation for payment of expenses of the Legislature.

Committee on Finance and Taxation.

By Mr. Nichols:

S. 332. To make an appropriation to the Department of Public Safety for Capital Outlay purposes.

Committee on Finance and Taxation.

By Mr. Nichols:

S. 333. To make additional appropriation to the Department of Public Safety.

Committee on Finance and Taxation.

By Mr. Nichols:

S. 334. To provide an appropriation of funds which are available to the Division of Employment Security of the Alabama Department of Industrial Relations out of funds credited to this State's account in the Unemployment Trust Fund by the Secretary of the Treasury of the United States of America, pursuant to Section 903 of the Social Security Act, as amended, for the purpose of acquiring land or lands adjoining or adjacent to the building now being built by the State of Alabama on the north side of Monroe Street in the City of Montgomery to be occupied by the Division of Employment Security of the Department of Industrial Relations of the State of Alabama, said land or lands to be used for automobile parking purposes by employees of the said Division of Employment Security.

Committee on Finance and Taxation.

By Mr. Nichols:

S. 335. To provide for the liquidation of the obligation of the State of Alabama to the Treasurer of the United States as a result of benefits paid under the Temporary Unemployment Compensation Act of 1958.

Committee on Finance and Taxation.

By Mr. Eddins:

S. 336. To create the State Sovereignty Commission in the Executive Branch of the Government of the State of Alabama, to provide for the membership thereof; to describe its duties, authority and powers; to provide the method for the selection of its members, their status and term of service; and to repeal all laws or parts of laws in conflict herewith.

Committee on Finance and Taxation.

By Mr. Eddins:

S. 337. Relating to Marengo County; providing further for the authority, powers, and duties of city and county boards of education in said county, particularly in relation to the establishment of public schools.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF MARENGO

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Marengo County providing further for the authority, powers, and duties of city and county boards of education in said county, particularly in relation to the establishment of public schools.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of education of Marengo County, and every city board of education in said county, shall have, exercise and enjoy all the rights, powers, privileges and authority which are now, or which may be hereafter, conferred on city and county boards of education under the general laws of Alabama; and all laws now in force or hereinafter enacted applicable to or governing city and county boards of education in Alabama shall apply to and govern and control such boards as may be elected or appointed according to law, provided that such boards shall have exclusive and plenary authority to locate, establish, erect, construct, reconstruct, repair, equip, and maintain public school buildings in the city or county, as the case may be, without regard to plans, specifications, rules or regulations prescribed by the State Department of Education or the State Board of Education.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its

passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARENGO

Before me, the undersigned authority in and for said County in said State, this day personally appeared Ben G. George, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Demopolis Times, a newspaper of general circulation published in Marengo County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 27, July 4, July 11, and July 18, all in the year 1963.

BEN G. GEORGE,

Sworn to and subscribed before me July 23, 1963.

JEROME M. LEVY,
Title Notary Public.

By Mr. Eddins:

S. 338. Relating to Marengo County; providing for condemnation of any motor vehicle, gun, rifle, or other hunting equipment of persons convicted of night hunting of deer in the county and providing for the disposition of the proceeds of the sale thereof.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF MARENGO

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Marengo County; providing for condemnation of any motor vehicle, gun, rifle, or other hunting equipment of persons convicted of night hunting of deer in the county and providing for the disposition of the proceeds of the sale thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Any motor vehicle, or any gun, rifle or other hunting equipment customarily used in hunting deer, or any possession thereof

upon the person or in any motor vehicle of any person who may be apprehended while engaging in hunting deer at night in Marengo County shall be contraband and shall be forfeited to the state of Alabama. Such property may be seized by the sheriff of the county or by any other officer or person acting under authority of law in the enforcement of laws of this state, and the sheriff or such other officer or person shall report the seizure and the facts connected therewith to the solicitor or any other prosecuting official of the county, giving a full description of the vehicle or other equipment seized and detained, the name of the person in whose possession it was found, the name of the person making claim to the same or any interest therein if the name is known or can be ascertained, the date of seizure, and a statement of the circumstances connected with the apprehension of the person or persons whose property has been seized.

Section 2. In order to condemn and confiscate any of the property set out in section one of this act it shall not be necessary for the solicitor or other prosecuting authority to prove possession of deer killed in night hunting or that the hunter be apprehended in the actual act of killing deer but it shall suffice to prove possession upon the person or in any motor vehicle of such person of guns, ammunition, and other equipment normally used in hunting deer and the time, the place, and circumstances of the apprehension sufficient to support a conviction of the offense of night hunting of deer.

Section 3. Except as otherwise herein provided, the manner, the method and procedure for the forfeiture, condemnation, and sale of any motor vehicles or hunting equipment seized under authority of this act shall be the same as that provided by law for the confiscation, condemnation, and sale of automobiles, conveyances, or vehicles in which alcoholic beverages are illegally transported. Without limiting the generality of the foregoing sentence, the provisions of Code of Alabama 1940, Title 29, Sections 248 and 249 shall apply.

Section 4. The proceeds of the sale of any property condemned and forfeited to the state under authority of this act, after payment of all expenses in the cause, including the cost of seizure and a keeping of the property pending the proceedings, shall be paid into the state treasury to the credit of the state conservation fund.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARENGO

Before me, the undersigned authority in and for said County in said State, this day personally appeared Ben G. George, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Demopolis Times, a newspaper

of general circulation published in Marengo County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 27, July 4, July 11, and July 18, all in the year 1963.

BEN G. GEORGE,

Sworn to and subscribed before me July 23, 1963.

JEROME M. LEVY,
Title Notary Public.

By Mr. Eddins:

S. 339. To amend Section 35 of Title 34 of the Code of Alabama, 1940, to clarify and make certain the rights of husbands to custody of the children in certain cases on divorce.

Committee on Judiciary.

By Messrs. Bentley and Brannan:

S. 340. Relating to the publication of legal notices; providing for supplemental publication of notices by radio or television broadcasting stations.

Committee on Printing.

By Mr. Robison (Montgomery):

S. 341. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 3, Township 16N, Range 1E.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given of the intention to apply to the Legislature of Alabama for passage of a Law in substance as follows:

A BILL TO BE ENTITLED AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 3, Township 16N, Range 1 E.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in the County of Montgomery, and State of Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the County of Montgomery, as included in the following described boundaries, to-wit:

Beginning at the point of intersection of the half section line running north and south through Section 10, T16N, R18E, with the north side of the Wares Ferry Road, thence in an easterly direction along the north side of Wares Ferry Road to the southeast corner of the Plat of Hilltop Terrace as the same appears of record in the Office of the Judge of Probate of Montgomery County, Alabama, in Plat Book 16, at Page 176; thence north along the east boundary of said Plat of Hilltop Terrace 390 feet; thence east 230 feet; thence north 290 feet to the northeast corner of said Plat, said point being located in the south line of Section 3, T16N, R18E; thence east along the east line of said Section 3 to a point 20 feet east of the Northeast corner of Lot 18 of the Plat of Dalraida, as the same appears of record in the Office of the Judge of Probate of Montgomery County, Alabama, in Plat Book), at Page 61; thence west 20 feet to the northeast corner of said Lot 18, of the Plat of Dalraida; thence west along the north line of said Lot 18 to the east side of Dalraida Road; thence continuing west across Dalraida Road a distance of 50 feet, more or less, to the northeast corner of Dalraida Park Estates, Plat No. 1, as the same appears of record in the Office of the Judge of Probate of Montgomery County, Alabama, in Plat Book 11, at Page 21; thence south along the west line of Dalraida Road to the south boundary line of the Plat of Honeysuckle Heights as the same appears of record in the Office of the Judge of Probate of Montgomery County, Alabama, in Plat Book 11, at page 128; thence west along the south boundary of said Plat of Honeysuckle Heights to the half section line running north and south through Section 10, T16N, R18E; thence south along said half section line to its point of intersection with the north side of Wares Ferry Road, being the point of beginning and lying in Montgomery County, Alabama.

Section 2. That all laws or parts of laws in conflict herewith are hereby repealed.

Section 3. That this Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA COUNTY OF MONTGOMERY

Before me Ruth E. Moore, A Notary Public in and for said State and County, personally appeared Guyton Parks, General Manager for "The Advertiser Company, Inc.," publishers of the Alabama Journal, a newspaper published in the City of Montgomery, County of Montgomery, and State of Alabama, who, being by me first duly sworn, deposes and says that the foregoing and attached is a true copy of a "Legal Notice" which appeared in the regular edition of the said newspaper published in said City and County of Montgomery on July 1, July 8, July 15, and July 22, 1963.

GUYTON PARKS,

Sworn to and subscribed before me, this the 23 day of July, 1963.

RUTH E. MOORE,
Notary Public.

By Messrs. Robison (Montgomery) and Reynolds:

S. 342. To make an appropriation to the Commission on Aging of the State of Alabama.

Committee on Finance and Taxation.

By Messrs. Reynolds and Robison (Montgomery):

S. 343. To amend Act No. 554, Regular Session 1957, which created a Committee on Aging of the State of Alabama so as to change its name, to increase its membership, to change the method of appointment of the executive officer, and to authorize it to receive gifts, money, and other things of value.

Committee on Judiciary.

By Mr. Dumas:

S. 344. To make an appropriation to the Alabama Boys Industrial School for the construction, reconstruction, alteration and improvement of school facilities, including the construction and equipment of a gymnasium.

Committee on Finance and Taxation.

By Mr. Hornsby:

S. 345. To provide further for purging the lists of registered voters in Tallapoosa County, requiring and prescribing the procedure for reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification of registered voters; and providing penalties for making a wilful false statement in connection with reidentification.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

**STATE OF ALABAMA
COUNTY OF TALLAPOOSA**

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

To provide further for purging the lists of registered voters in Tallapoosa County, requiring and prescribing the procedure for reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification of registered voters; and providing penalties for making a wilful false statement in connection with reidentification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Tallapoosa County is hereby directed to purge all lists of the qualified electors in the county to the end that the names of all persons who are deceased or non-residents of the county, or have otherwise become disqualified for

voting in Tallapoosa County, shall be removed from such lists, and that the name of each qualified elector shall appear only on the list of qualified electors for the beat in which he resides.

Section 2. The board of registrars shall omit and remove from the lists of qualified electors of the county the name of any person who fails to reidentify himself, in the manner prescribed herein, before the first day of January, 1966.

Section 3. Prior to the first day of January, 1966, the board of registrars of Tallapoosa County is hereby authorized, directed, and required to visit each beat in the county at least once, and more often if necessary, and remain there at least one day from nine o'clock in the morning until five o'clock in the afternoon, for the purpose of enabling qualified and registered voters residing in the beat to appear before the board and reidentify themselves. The board shall give at least ten days' notice, by advertisement in a newspaper published in the county, of the time when, and the place in the beat where, they will attend for the purpose of enabling voters to appear and reidentify themselves. Upon failure to give such notice, or to attend any appointment made by them in any beat, they shall, after like notice, fill new appointments. The board shall remain in session for thirty days. During the 30 days session the board shall visit each beat on at least one day and the remainder of the time may be divided as the board of registrars deem necessary, to enable the qualified electors of the county to appear and reidentify themselves in the manner prescribed herein.

Section 4. Each member of the board of registrars shall receive ten dollars per day, for each day's attendance upon the special sessions of the board required under the provisions of this Act; but if such special session is held on the same day a regular session is required to be held under the laws of this State, registrars shall receive only one per diem allowed for performing their regular duties, it being the intent and purpose of this Act that registrars shall be entitled to receive only one per diem allowance for one day's service. If one or more of the members of the board shall refuse, neglect, or be unable to serve, or if a vacancy or vacancies occur in the membership of the board from any cause, the Governor, State Auditor, and Commissioner of Agriculture and Industries, or a majority of them, shall forthwith make other appointments to fill such vacancies.

Section 5. The voter may reidentify himself by appearing in person before the board of registrars or by appearing before the judge of probate, or either of the clerks in the office of the judge of probate or before the board of registrars in regular session, and answering such questions and submitting such proof under oath, as the board may require in order to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county. Provided, however, that a member of the armed forces of the United States of America or his spouse may reidentify himself in person or by United States mail on application as provided by the board of registrars. In addition, a qualified elector may reidentify himself at any primary or general election held in the county after this Act becomes effective by filling out and signing the questionnaire form prescribed in Section 9 in the presence of any other election officer appointed to serve at the election. The returning officer shall return all executed questionnaire forms to the judge of probate or chairman of the board of registrars.

Section 6. The board of registrars shall meet on the first Mon-

.....
Registrar—Judge of Probate

Section 10. Any person who willfully makes a false statement to the board of registrars, or any duly authorized person, in reidentifying himself as a qualified elector in the manner provided herein shall be guilty of perjury, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this Act are repealed.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF TALLAPOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared H. Clay Pless, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Dadeville Record, a newspaper of general circulation published in Tallapoosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 27, July 4, July 11, and July 18, all in the year 1963.

H. CLAY PLESS,

Sworn to and subscribed before me July 18, 1963.

J. KIRBY SMITH,
Title Notary Public.

By Mr. Hammond:

S. 346. To amend Code of Alabama 1940, Title 17, Section 425, in relation to congressional redistricting.

Committee on Privileges and Elections.

By Messrs. Dumas, McDow, Roberts, Robison (Montgomery) and Hawkins:

S. 347. To prescribe the time in which appeals may be made to the Supreme Court or to the Court of Appeals from decrees affecting the custody of children; and to provide that such cases so appealed shall be considered preferred cases.

Committee on Judiciary.

By Messrs. Hawkins, Tyson, Givhan, and Lowe:

S. 348. To amend further Section 33, Act No. 100, H. 94, Second Special Session 1959, an act to raise revenue by levying a privilege

or license tax against persons on account of certain business activities, so as to exempt from the state sales tax the gross proceeds of the sale of tangible personal property to private hospitals organized not for profit under the laws of the State of Alabama no part of the income or net earnings of which inures to the benefit of any private member, shareholder, officer, director, or other individual, and the income of which is not subjected to income tax by the government of the United States or of the State of Alabama.

Committee on Finance and Taxation.

By Messrs. Hawkins, Tyson, Givhan and Lowe:

S. 349. To amend further Section 789, Title 51, Code of Alabama 1940, as last amended, to provide an exemption from the state use tax for the storage, use or other consumption of tangible personal property stored, used or consumed by any hospital corporation organized not for profit under the laws of the State of Alabama no part of the income or net earnings of which inures to the benefit of any private member, shareholder, officer, director, or other individual, and the income of which is not subjected to income tax by the government of the United States or of the State of Alabama.

Committee on Finance and Taxation.

By Mr. Givhan:

S. 350. Relating to corporations; regulating the taxation of domestic corporations engaged in the business of making agricultural or livestock loans.

Committee on Finance and Taxation.

By Mr. Wilson:

S. 351. To provide for the furnishing to indigent convicted defendants in criminal cases and in certain other related proceedings involving life, liberty or property of those convicted of crime of a record and transcript of evidence for appeal at the expense of the State; to state the purposes of this act; to define the cases to which this act is applicable; to prescribe the manner and time for indigents to apply for transcripts on appeal; to prescribe the manner of proceeding and disposition by the trial court of petition for such transcripts on appeal; to provide for conditions under which an abridged record may be ordered; to provide for the trial court to order all or a part of the cost of the transcript on appeal, including court reporters' fees and clerks' fees to be paid out of the general fund of the State treasury, and to require the appellant to pay part of the cost if he is able; to make special provisions for appeals now pending, or where the time for appeal has not expired; to provide for a review of a denial of a petition by the trial court; to provide for a judgment to be entered against an unsuccessful appellant to pay the fees of the clerk and court reporter paid by the State, and that such fees shall be paid into the general fund of the State; to provide further for an additional sentence for hard labor for the county or imprisonment in the penitentiary at a certain rate if said payment is not made; to authorize the Supreme Court with the advice and consultation of the Court of Appeals to make rules to accomplish the purposes of this act, and to also so authorize circuit courts and other courts having jurisdiction hereunder; to appropriate annually out of the

general fund of the State treasury an amount sufficient to pay said court reporters and clerks and to carry out the provisions of this act, said appropriation being subject before disbursement to the approval of the Governor and contingent upon the opinion of the Governor of the condition of the State treasury; to repeal Act No. 62, Acts of Alabama 1961, page 1930, approved September 15, 1961, entitled, "An Act to provide for the furnishing of transcripts of evidence for appeals in criminal cases where defendant, appellant is indigent; . . .", with certain exceptions; and to provide for the effective date of this act.

Committee on Judiciary.

By Mr. Wilson:

S. 352. To provide for the appointment of counsel for indigent defendants at the expense of the State in certain noncapital criminal cases and in certain other cases involving the life and liberty of those charged or convicted of crimes, on trial and on appeal; to make an appropriation from the General Fund for carrying out the purposes of this Act and to make expenditures therefrom subject to the approval of the Governor and the condition of the General Fund.

Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 147. Relating to the office of solicitor of the Eighteenth Judicial Circuit; creating a solicitor's fund for the use of the circuit solicitor.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Fite:

H. 574. To amend Section 787, Title 51, Code of Alabama, 1940, as amended, so as to further define the term "sale at wholesale" to include therein parts or materials used in repairing or reconditioning tangible personal property for sale.

Also:

By Mr. Fite:

H. 575. To amend Section 1, Act No. 100, Second Special Session 1959, so as to further define the term "sale at wholesale" to include therein parts or materials used in repairing or reconditioning tangible personal property for sale.

Also:

By Messrs. Brown (Tuscaloosa), Edwards (Escambia) and Hannah:

H. 203. Relating to highways; providing for safety stripes along the center of state, interstate and county highways.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 's 574 and 575 — to the Committee on Finance and Taxation

H. B. 203 -- to the Committee on Public Roads and Highways

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Drake, Posey, Burns, Moore, Slate and Cook:

H. 139. To provide for the eradication, control and prevention of the spread of diseases of poultry by requiring commercial poultry producers and commercial poultry hatcheries to be equipped with facilities for the destruction and disposal of dead poultry, unhatched or unused eggs and other poultry waste, and to authorize the State Board of Agriculture and Industries to adopt rules, regulations and requirements to carry out the requirements of this Act; to provide a penalty for violations of this Act and to make it unlawful to supply or furnish poultry producers with baby chicks in violation of this Act.

Also:

By Messrs. Edwards (Lowndes), Camp and Bolton:

H. 50. To provide further for assistance to blind persons.

Also:

By Mr. Davis:

H. 436. To make an appropriation from the state treasury to the use of the board of education of Bibb County for construction and equipment of a new high school at West Blocton.

Also:

By Messrs. Ingram, Casey, Engel, McDermott, Fields, Crawford, Teel, Nettles, Pierce, Blanton, Baker (DeKalb), NeSmith, Perry, Mashburn, Cates, Hogan, Morrow, Rogers, Faulk, Steagall, Hain, Dominick, Bethea (M), Scurlock, Beville and Boston:

H. 440. To exempt licensed practitioners of any of the healing arts of any branch thereof from liability for civil damages resulting from any acts or omissions of such licensees in rendering emergency care at the scene of the emergency.

Also:

By Mr. Holladay:

H. 698. To alter, rearrange and extend the boundaries and corporate limits of the town of Springville, St. Clair County, Alabama, so as to annex certain territory to the town.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the town of Springville, St. Clair County, Alabama, so as to annex certain territory to the town.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the town of Springville, St. Clair County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of the town the following described territory in addition to the area now embraced within such boundaries and corporate limits, to-wit:

All that portion of the southeast quarter (SE $\frac{1}{4}$) of the southwest quarter (SW $\frac{1}{4}$) of Section 31, Township 14, Range 2, East, which lies north and west of the right of way of the Alabama Great Southern Railroad, St. Clair County, Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF ST. CLAIR

Before me, the undersigned authority in and for said County in said State, this day personally appeared R. C. Gravette, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Foreman of the St. Clair News-Aegis, a newspaper of general circulation published in St. Clair County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 5-30, 6-6, 6-13, and 6-20, all in the year 1963.

R. A. GRAVETTE,

Sworn to and subscribed before me June 26th, 1963.

ETHEL BLAIR,
Title Notary Public.

Also:

By Messrs. Nettles and Fields:

H. 118. To amend Section 93, Title 8, Code of Alabama 1940, which relates to hunting or trapping in the nighttime on lands of another without permission so as to increase the penalty therefor.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 139 — to the Committee on Agriculture

H. B.'s 50 and 436 — to the Committee on Finance and Taxation

H. B. 440 — to the Committee on Judiciary

H. B. 698 — to the Committee on Local Legislation

H. B. 118 — to the Committee on Fish and Game

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Cates, Cooper and Davis:

H. 106. To provide for the payment of salaries of officers and employees of the State of Alabama and county health service employees every second Friday; amending Section 148, Title 41, Code of Alabama 1940; providing that this act shall not apply to county boards of health in counties having a population of 600,000 or more.

Also:

By Messrs. Brown (Jefferson), Bevill, Scurlock and Burns:

H. 519. To amend further Section 29, Act No. 207, S. 134, Regular Session 1949, the act known as the "Alabama Coal Mine Safety Law of 1949."

Also:

By Mr. McCorquodale:

H. 131. To clarify and codify the common law with respect to the duty of care owed by landowners towards persons who may be upon their premises for hunting, fishing, sporting or recreational purposes and not for purposes connected with the landowner's business.

Also:

By Messrs. Goodwyn, Brewer, Bevill, Little and Rogers:

H. 191. To amend Code of Alabama 1940, Title 55, Section 186, prescribing fees to be charged by the secretary of state for the performance of certain services.

Also:

By Messrs. Goodwyn, Crawford and Turner (Crenshaw):

H. 264. To amend Section 13, of Act No. 320, Regular Session 1949 regulating the use of trust receipts; providing fees to be charged by the Secretary of State for certain services in connection with filing trust receipt documents.

Also:

By Mr. Goodwyn:

H. 581. To provide Supernumerary Circuit Solicitors of the State; to provide the conditions under which a Solicitor of the Circuit Court may become a Supernumerary Circuit Solicitor; to prescribe the qualifications, tenure in office, duties, powers, authority, compensation and the method of removal from office of such Supernumerary Circuit Solicitor and to appropriate funds for the payment of such compensation.

Also:

By Messrs. Goodwyn, Pierce, Jones (Covington), Fite, Turner (Crenshaw) and Goldthwaite:

H. 91. To create the State Employees' Insurance Board and authorize such Board to provide a group insurance plan for employees of the State of Alabama; to define the terms used in this Act; to provide for the contents of such group insurance plan and to define eligibility requirements for participation in such plan; to authorize the Board to execute contracts to provide benefits under such plan; to authorize the inclusion of retiring state employees and the dependents of state employees and retiring state employees in such plan; to provide for the payment of benefits under such plan; to provide for a State Employees' Insurance Fund and for contributions thereto; to provide for the financing of the group insurance plan; to authorize the Board to adopt and promulgate rules and regulations for the administration of such plan; to provide an effective date of this Act and repeal all laws in conflict therewith.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 106 and 581 — to the Committee on Judiciary

H. B. 519 — to the Committee on Rules

H. B. 131 — to the Committee on Forestry and Conservation

H. B.'s 191 and 264 — to the Committee on Finance and Taxation

H. B. 91 — to the Committee on Insurance

July 23, 1963

THE STATE OF ALABAMA — JUDICIAL DEPARTMENT
THE SUPREME COURT OF ALABAMA
SPECIAL TERM, 1963

The Senate of Alabama
State Capitol
Montgomery, Alabama

Dear Sirs:

We acknowledge receipt of Senate Resolution 25 requesting an advisory opinion with respect to pending House Bill 639. You ask us this question:

"Does this bill propose enactment of a general law within the meaning of Article 4, Section 110, of the Constitution of Alabama 1901?"

We assume, for the purposes of this advisory opinion, that the point of interest is whether the population classification as shown in Section 1 of the Bill renders the Bill a local law. This section provides as follows:

"Section 1. The members of the Board of Commissioners of any City under the Commission form of government, having a population of not less than 16,000, nor more than 26,000, inhabitants according to the 1960, or any subsequent decennial census of the population of the United States, shall be elected on the third Tuesday in August, 1963, and every four years thereafter, and such Commissioners shall hold office for a term of four years from the first Monday in October following, and until their successors are elected and assume the duties of office."

From State ex rel. Ward v. Henry, 224 Ala. 224, 228, 139 So. 278, is the following:

"* * * The act is general in form, based upon a population classification. We have approved this character of legislation, provided the substantial difference in population was in good faith, and was reasonably related to the purpose to be effected and to the difference in population which forms the basis thereof, and was not merely arbitrary, though at the time it may be applicable to only one subdivision of the state. Reynolds v. Collier, 204 Ala. 38, 85 So. 465. Much must, in this regard, be left to legislative discretion, and it is the duty of the court not to construe a law as local when it is so worded and framed as to be reasonably susceptible of interpretation as a general law. Reynolds v. Collier, supra."

To the same effect are the following: Opinion of the Justices, 263 Ala. 304, 305, 82 So. 2d 344; Taxpayers and Citizens of City of Mobile v. Board of Commissioners of City of Mobile, 252 Ala. 446, 454, 41 So. 2d 597; State ex rel. Rountree v. Summer, 248 Ala. 545, 547, 28 So. 2d 565; Ex parte Ashton, 231 Ala. 497, 499, 165 So. 773,

104 A.L.R. 54; State ex rel. Shirley v. Lutz, 226 Ala. 497, 500, 147 So. 429; Walden v. City of Montgomery, 214 Ala. 409, 410-411, 108 So. 2d 231; Reynolds v. Collier, 204 Ala. 38, 39-40, 85 So. 465.

It is our opinion, in the light of the foregoing authorities, that House Bill 639 is a general law within the meaning of Section 110, Constitution 1901.

We find nothing on the face of the bill indicating that the difference in population is arbitrarily fixed; nor do we find anything that would justify a conclusion that it is not fixed in good faith and is not "reasonably related to the purpose to be effected and to the difference in population which forms the basis thereof."

Our answer to your question is "yes."

Respectfully,

- s/ J. Ed Livingston,
J. Ed Livingston, Chief Justice.
- s/ Thomas S. Lawson,
Thomas S. Lawson, Associate Justice.
- s/ Robert T. Simpson,
Robert T. Simpson, Associate Justice.
- s/ John L. Goodwyn,
John L. Goodwyn, Associate Justice.
- s/ Pelham J. Merrill,
Pelham J. Merrill, Associate Justice.
- s/ Robert B. Harwood,
Robert B. Harwood, Associate Justice.

July 23, 1963

THE STATE OF ALABAMA — JUDICIAL DEPARTMENT
THE SUPREME COURT OF ALABAMA
SPECIAL TERM, 1963

STATE OF ALABAMA
CITY AND COUNTY OF MONTGOMERY

I, J. Render Thomas, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing pages numbered from one to four, inclusive, contain a full, true and correct copy of the Opinion of the Justices of the Supreme Court of Alabama rendered on July 23, 1963, in response and answer to request of the Senate of Alabama with respect to pending House Bill 639.

WITNESS, J. Render Thomas, Clerk
of the Supreme Court of Alabama,
this the 23rd day of July, 1963.

J. RENDER THOMAS,
Clerk of the Supreme Court of Alabama.

OPINION RENDERED

The foregoing Opinion from the Supreme Court relative to House Bill 639 was read and ordered spread upon the Journal.

REPORTS OF COMMITTEES

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Moore:

H. 306. To authorize the county governing body of every county in Alabama, which has a population of not less than 22,550 nor more than 24,550 according to the last or any subsequent federal decennial census, to fix the compensation of the clerk employed by the sheriff, but paid from the county treasury, within limits prescribed in this act and provide for the payment thereof in whole or in part out of the county highway and traffic control fund or out of the general fund.

By Mr. Powell:

H. 335. Relating to the authority of county boards of education in counties having populations of not less than 28,000 nor more than 30,575, relative to selling and issuing interest bearing warrants.

By Mr. Meade (With Notice and Proof):

H. 475. To amend further Section 3 of Act No. 162, Regular Session 1943 (Local Acts 1943, p. 78) to fix the expense allowance of the sheriff of Cherokee County.

By Mr. Carr:

H. 497. To propose an amendment to the Constitution of Alabama relating to the costs and charges of courts, and the fees, commissions, percentages, allowances, and compensation of the officers of Marshall County.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. Burns, Nabors and Owens:

H. 554. Relating to counties having populations of not less than 96,000 nor more than 106,000; regulating and providing for payment of expense allowances of constables serving the county court in such counties.

By Mr. NeSmith (With Notice and Proof):

H. 612. To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in Blount County; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

By Mr. Stembridge:

H. 617. To fix and regulate the payment of the compensation and expenses of members of the county board of education of every county which has a population of not less than 50,000 nor more than 54,000.

By Mr. Camp et al:

H. 639. Relating to cities having a population of not less than 16,000, nor more than 26,000, according to the 1960 or any subsequent decennial census of the population of the United States; changing the method of electing, the designation of, and fixing the term of office of, members of the Board of Commissioners of any such city.

By Messrs. Bolton and Camp:

H. 641. Relating to counties having populations of not less than 65,000 nor more than 95,000; regulating and providing for the payment of compensation of certain county officers.

By Mr. Heflin (With Notice and Proof):

H. 670. To amend further Section 8 of Act No. 872, H. 1118, Regular Session 1951 (Acts 1951, p. 1505) which act established the Board of Revenue and Control of Chilton County; providing for the nomination of each associate member by the authorized voters of the entire county.

By Mr. Fite:

H. 684. Proposing a constitutional amendment relating to Marion County.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. Slate and Brewer:

H. 695. Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the 1960 or any subsequent federal decennial census; authorizing the court of county commissioners, board of revenue or like governing body of such counties to appropriate public funds of the county for payment of certain equitable and just claims for which the county is not legally liable.

By Messrs. Hester and Cantrell:

H. 702. To amend Section 2 of Act No. 139, H. 90, First Special Session 1956, an act relating to the office of circuit solicitor of the thirty-first judicial circuit of Alabama.

By Mr. Horton (With Notice and Proof):

S. 290. To provide for the feeding and care of certain county prisoners of Limestone County employed or used on the construction, repair, and maintenance of county roads and bridges, or other such road work; to provide uniforms for prisoners engaged in such road work; to prescribe the powers, duties, and authority of the sheriff and the board of revenue or like governing body of Limestone County, Alabama, in carrying out the provisions of this Act.

By Mr. Smith (By Request):

S. 294. To make it lawful for any person, or persons, to use stationary fish traps with wooden fingers or slats not less than one and one-half inches apart for the purpose of taking or catching commercial or non-game fish in that part of any river that lies within counties in Alabama having a population not less than 65,000 nor more than 95,000 according to the last or any subsequent federal census; and to further regulate the operation of such traps.

By Mr. Tyson (By Request) (With Notice and Proof):

S. 306. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 21, 22, 27 and 28, Township 16 North, Range 18 East, Montgomery County, Alabama.

Mr. Taylor, Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Metcalf:

S. 325. To amend the title to and Section 1 of Act No. 4, H. 62, Second Special Session of 1956, approved March 16, 1956 (as heretofore amended), entitled, "An act relative to municipalities in this state having a population of not less than 23,000 and not more than 100,000 inhabitants according to the last or any subsequent federal special or decennial census; authorizing each such municipality to acquire property suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such property subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds in any agreement made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments of savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or securing thereof" so as to make said Act applicable to municipalities having a population of not more than 100,000 inhabitants according to the last or any subsequent federal special or decennial census.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 88. Relative to expressing appreciation to the Mobile Delegation for their hospitality at Dauphin Island.

Also:

H. J. R. 89. Relative to expressing appreciation to individuals and organizations contributing to the success of the week-end at Dauphin Island.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions; the titles of which are set out in the foregoing message from the House.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to consideration of the unfinished business for today, which was the Bill:

S. 8. To regulate the lending of money repayable in installments, whether secured or unsecured; to provide the maximum rate of interest and other charges on such transactions; to regulate such transactions; to prescribe penalties for violation of this Act; to define the phrase "installment loan" for the purposes of this Act; to provide for a short title therefor so that the same may be cited as the "Installment Loan Act"; to provide for the repeal of inconsistent laws heretofore enacted; to provide exemptions from the provisions of this Act; to provide when this Act shall take effect, and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

The Standing Committee on Banking reported the following amendment to the Bill, to-wit:

COMMITTEE AMENDMENT TO SENATE BILL 8

Amend Senate Bill 8 by striking Subsections (3), (4) and (5) of Section 3 (b), and by substituting the following:

(3) The premium on any life insurance policy on the life of the borrower. Said insurance may not exceed the approximate term of said loan, or the approximate amount of the loan or commitment to lend. Any gain or advantage in the form of commission, or other

wise, to the lender or to any employee, affiliate or associate of the lender, from such insurance and its sale shall not be considered an unlawful charge in connection with the loan.

(4) The premium for risk collision or hazard insurance (including so-called home-owner's policies and similar multi-line coverage) covering any collateral securing said loan for the term thereof as nearly as possible. A commission may be received on such insurance by any duly licensed insurance agent and such commission shall not be considered an unlawful charge in connection with the loan.

(5) The insurance authorized in subsections (3) and (4) hereof must be written by insurance companies authorized to do business in Alabama. Premiums for said insurance may be deducted from the proceeds of the loan.

And amend Senate Bill 8 further by adding Section 8 (A) to read as follows:

Section 8 (A): Nothing contained in this Act shall apply to loans made by insurance companies qualified to do business in Alabama, nor to loans made by profit-sharing and retirement plans and pension plans which are qualified as exempt plans under Sections 401 and 501 of Internal Revenue Code of 1954, unless, in any such loan the Act is specifically made applicable by a written instrument evidencing the particular loan.

RECESS

At 1 P.M., on motion of Mr. Eddins, pending further consideration of S.B. 8, the Senate took a recess until 2 o'clock this afternoon.

AFTERNOON SESSION

TWENTY-FOURTH LEGISLATIVE DAY

TUESDAY, JULY 23, 1963

The Senate re-assembled at 2 o'clock P.M., Lieutenant Governor Allen presiding.

ROLL CALL

Present:

Messrs.	Eddins	Lolley	Reynolds
Adams	Evans	Lowe	Roberts
Allen	Gilchrist	Mathews	Robison (Montgomery)
Bentley	Givhan	McCain	Shelton
Brannan	Hammond	McDow	Smith
Carter	Hawkins	Metcalf	Taylor
Clark	Hornsby	Montgomery	Tyson
Cooper	Horton	Nichols	Wilson
Dumas	James	Oden	

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REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report

that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 147. Relating to the office of solicitor of the Eighteenth Judicial Circuit; creating a solicitor's fund for the use of the circuit solicitor.

CHARLES A. MONTGOMERY,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Lowe, Smith, Reynolds and Metcalf:

S. 353. Relating to the office of Solicitor of the Fifth Judicial Circuit: creating a solicitor's fund for the use of the Circuit Solicitor.

Committee on Judiciary.

By Mr. Allen:

S. 354. To authorize, direct, and require the State Department of Revenue to collect any sales and use taxes which may be levied in the Town of Addison, Alabama, in Winston County, Alabama, under the provisions of any ordinances or resolution duly promulgated and adopted by the governing body of the Town of Addison, Alabama to prescribe the power, duties, and authority of the State Department of Revenue with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF WINSTON

NOTICE is hereby given that a bill substantially as follows will be introduced in the legislature of Alabama and application for its passage and enactment will be made to-wit:

A BILL TO BE ENTITLED AN ACT

To authorize, direct, and require the State Department of Revenue to collect any sales and use taxes which may be levied in the Town of

Addison, Alabama, in Winston County, Alabama, under the provisions of any ordinances or resolution duly promulgated and adopted by the governing body of the Town of Addison, Alabama to prescribe the power, duties, and authority of the State Department of Revenue with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Department of Revenue is hereby authorized, directed, and required to collect any sales and use taxes which may be levied in the Town of Addison, Alabama, in Winston County, under the provisions of any municipal ordinance or resolution duly promulgated and adopted by the governing body of the Town of Addison. Such municipal sales and use taxes shall be collected by the department at the same time and along with the collection by the department of taxes levied and collected for the State of Alabama under the provisions of Articles 10 and 11, Chapter 20, Title 51 Code of Alabama (1940) as amended, and all reports now required to be made to the Commissioner of Revenue, shall on request of the Department of Revenue, be available for inspection by the governing body of the Town of Addison, Ala., or its designated agent, at reasonable times during business hours. The State Department of Revenue shall prepare and distribute such reports, forms and other information as may be necessary for the collection of such municipal sales and use taxes, and shall have all authority and duties in connection with such taxes as are now given by law to the Department of Revenue or the Commissioner of Revenue in connection with the collection of the State's sales and use taxes provided for by Articles 10 and 11 of Chapter 20, Title 51, Code of Alabama (1940) as amended. It shall be the duty of the Commissioner of Revenue to pay into the State Treasury all such taxes collected, for the Town of Addison under this Act and on or before the first day of the following month, the Commissioner shall certify to the Comptroller the amount of special taxes levied and collected under the provisions of this Act for the use and benefit of the Town of Addison during the calendar month immediately preceding the making of such certificate. Whereupon it shall be the duty of the Comptroller to issue payable as follows, for the amount so certified by the Commissioner his warrant on the State Treasurer, of Revenue as having been collected for the use of the Town of Addison, Ala., and paid into the State treasury; and the amount so certified by the Commissioner of Revenue as having been collected for use of such city shall be paid to the treasurer or other custodian of funds of the Town of Addison, Alabama for collecting such municipal sales and use taxes a percentage of said taxes to be computed on the same basis as the total cost of collecting the state sales and use taxes bears to the total of said state sales and use taxes collected for each fiscal year ending September 30th. Such charge for collecting such municipal sales and use taxes shall be deducted once each year from the taxes collected in the month of September of each year before certifying the amount of such taxes due to the town of Addison, Ala., for said month. The Department of Revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of such municipal sales and use taxes, and otherwise to enforce the provisions of this Act, including any litigation involving this Act and, the Department of Revenue shall pay such special council such fees as it deems necessary and proper from the proceeds of the taxes collected by it for the Town of Addison under the provisions of this Act.

Section 2. The Provisions of this Act are severable. If any

part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This act shall become effective on the first day of the first month next following the date of its enactment.

PUBLISHER'S AFFIDAVIT

STATE OF ALABAMA COUNTY OF WINSTON

Personally appeared before me the undersigned authority in and for said County and State, Jay Thornton, who after being duly sworn deposes and says:

My name is Jay Thornton. I am editor and publisher of The Daily-Northwest-Alabamian, a newspaper of general circulation published in Haleyville, Winston County, Alabama. The copy of publication hereto attached was published in said paper for Four (4) consecutive weeks, the first copy of said notice appearing in the issue of said paper published on the 24th day of May, 1963, and the last copy of said publication appearing in the said paper on the 14th day of June 1963.

JAY THORNTON,

Sworn and subscribed to before me this 14 day of June, 1963.

R. J. THORNTON,
Notary Public.

By Messrs. Brannan, Cooper and Taylor:

S. 355. To authorize and create an additional judge of the Twenty-first Judicial Circuit of Alabama and to provide for his election, jurisdiction, powers, authority and qualifications; to render him liable to all the pains and penalties of the other circuit judges of the state; to provide for the designation of each of the two offices of circuit judge of said circuit by number and to provide for the salary of said judge.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES.

Mr. Tyson, Chairman of the Standing Committee on Fish and Game, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Rast and Merrill:

H. 174. To provide for a special low-cost hunting license for residents of this State who are 65 years of age or older; to provide for the disposition of the proceeds thereof.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Sullivan:

H. 696. Relating to counties having populations of not less than 21,850 nor more than 21,950 according to the most recent federal decennial census; authorizing payment of salaries and expense allowances to members of the county board of education.

Also:

By Mr. Grouby:

H. 704. Relating to Autauga County: To require the board of education to provide for and allow sick leave with pay to school bus drivers.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Autauga County: To require the board of education to provide for and allow sick leave with pay to school bus drivers.

Be It Enacted by the Legislature of Alabama:

Section 1. The county board of education of Autauga County shall provide for an allowance for sick leave with pay of one day for each month he is employed to every school bus driver employed by the board, unless such driver is also employed by such board as a teacher or in some other capacity and is allowed sick leave with pay in connection with such other employment. A school bus driver's sick leave, which is not used during the month in which it accrues may be accumulated to a maximum of fifteen days. The board of education shall determine when absence from duty by a school bus driver shall be deemed sick leave.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF AUTAUGA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mrs. H. M. Doster, who, being

by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Prattville Progress, a newspaper of general circulation published in Autauga County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 13, 20, 27, and July 4, all in the year 1963.

MRS. H. M. DOSTER,
Pub.

Sworn to and subscribed before me July 12, 1963.

EFFIE A. CARTER,
Title Notary.

Also:

By Mr. Mashburn:

H. 706. Proposing an amendment to the Constitution relative to the compensation, commissions, fees, percentages and allowances of certain officers of Baldwin County.

Also:

By Mr. Mashburn:

H. 707. To change the method of compensating certain officers of Baldwin County placing such officers on a salary basis, and providing for the operation of their offices on such basis.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given in accordance with Section 106 of the Constitution of Alabama that application will be made for enactment of a local law by the Legislature in substance as follows:

To change the method of compensating certain officers of Baldwin County and put such officers on a salary basis; to fix the annual salary and allowances of the judge of probate, the sheriff, the clerk of the circuit court the register in chancery and the coroner; to provide clerks, deputies, and assistants for such officers and for payment of their compensation out of the county treasury; to provide that the fees, commissions, percentages, and allowances collectible by such officers for services rendered shall be paid into the county treasury; to provide that the county shall furnish such officers with the books, stationery, office equipment and supplies, postage, and other conveniences necessary for the proper conduct of their respective offices; to provide that the Act will become effective upon the ratification of a constitutional amendment authorizing the Legislature to put such officers on a salary.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BALDWIN

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. H. Faulkner, Sr. who, being

by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Baldwin Times a newspaper of general circulation published in Baldwin County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 23, May 30, June 6, and June 13, all in the year 1963.

J. H. FAULKNER,

Sworn to and subscribed before me July 5, 1963.

DOROTHY MARTIN,
Title Notary Public.

Also:

By Mr. Mashburn:

H. 708. Relating to Baldwin County, providing for the establishment of a consolidated and unified system for assessment and collection of taxes, licenses, excises and fees, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF BALDWIN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Baldwin County, providing for the establishment of a consolidated and unified system for assessment and collection of taxes, licenses, excises and fees, under the supervision of an elected county official designated as county revenue commissioner and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. After September 30, 1967, there shall be a county revenue commissioner in Baldwin County. A commissioner shall be elected at the general election in 1966, and at the general election every six years thereafter, who shall serve for a term of six years from the thirtieth day of September next after his election, and until his successor is elected and has qualified.

Section 2. The county revenue commissioner shall do and perform all acts, duties, and functions required by law to be performed either by the tax assessor or the tax collector of the county relative to the assessment of property for taxation, the collection of taxes, the keeping of records and the making of reports concerning assessments for and the collection of taxes. It shall also be the duty of the county re-

venue commissioner to collect for and issue all licenses, except marriage licenses, which are now collected for and are issued by the judge of probate and to perform all other duties relative thereto.

Section 3. Subject to the approval of the court of county commissioners or other like county governing body, the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks, and assistants to perform properly the duties of his office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner himself.

Section 4. Before entering upon the duties of his office, the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by the court of county commissioners or like governing body of the county, giving as security thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate. The cost of the bond required herein shall be paid out of the general funds of the county on warrant of the court of county commissioners or other like governing body of the county, and shall be a preferred claim against the county.

Section 5. The court of county commissioners or other like governing body of the county shall provide the necessary offices for the county revenue commissioner in the courthouse, and shall provide all stationery, equipment, and office supplies, not otherwise furnished by law, needed for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions, and other allowances which the tax assessor, the tax collector, and the judge of probate of the county are now or hereafter by law authorized or directed to charge or collect for the performance of any duty hereby imposed on the county revenue commissioner. As compensation for the performance of the duties of his office the county revenue commissioner shall receive an annual salary of \$12,000.60 dollars, payable in equal monthly installments out of the general fund of the county.

Section 7. The offices of tax assessor and tax collector of Baldwin County are hereby abolished effective the first day of October 1967.

Section 8. It is the purpose of this Act to promote the public convenience in Baldwin County by consolidating the offices of tax assessor and tax collector into one office and to require such office to perform all duties relative to the collection of license taxes and the issuance of licenses, except marriage licenses, which are required to be performed by the judge of probate.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this Act are repealed.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BALDWIN

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. H. Faulkner, Sr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Baldwin Times, a newspaper of general circulation published in Baldwin County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 13, June 20, June 27, and July 4, all in the year 1963.

J. H. FAULKNER,

Sworn to and subscribed before me July 5, 1963.

DOROTHY MARTIN,
Title Notary Public.

Also:

By Mr. Davis:

H. 710. To alter, rearrange, and extend the boundaries and corporate limits of the town of Centreville in Bibb County.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF BIBB

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange, and extend the boundaries and corporate limits of the town of Centreville in Bibb County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the town of Centreville in Bibb County are hereby altered, rearranged, and extended, so that the following described territory will be embraced within the corporate limits of the town, to-wit:

Beginning at concrete post on the West boundary of the present Town limits and said concrete post marking the corner of the Town limits of the Town of Brent and said post being 1117.3 feet South and 4035.9 feet West from the concrete post marking the Northeast corner

of the South half of Section 26, Township 23 N, Range 9 E and run thence N 73° 20' W with the South boundary of the Town of Brent a distance of 709.0 feet, more or less, to the centerline of the Cooper Pasture Branch; and thence down said branch with the meandering of the center line thereof as follows: S13¼° E a distance of 94.0 feet, more or less; thence S 47° 00' W 205.0 feet; thence S 38° 45' E a distance of 128.0 feet; thence S 67° 15' E a distance of 412.0 feet; thence S 39° 15' E a distance of 155.0 feet; thence S 26° 30' W a distance of 134.0 feet; thence S 31° 00' E a distance of 117.0 feet; thence N 71° 30' E a distance of 190.0 feet; thence S 13° 30' E a distance of 257.0 feet; thence S 31° 00' West a distance of 117.0 feet; thence S 53° 00' E a distance of 86.0 feet; more or less, to West boundary of the present Town limits of Centreville; run thence North a distance of 970.0 feet, more or less to the point of beginning and being the SW¼ of said Section 26, Township 23 N, Range 9E, and known as the Dr. Weatherford lands.

ALSO: Beginning at a pipe marking the SE corner of the NE¼ of the NW¼ of Section 30, Township 23 N, Range 10 E and run thence West with the South boundary thereof to the middle point a distance of 660.0 feet, more or less; run thence South with the West boundary of the East half of the SE¼ of the NW¼ and the NE¼ of the SW¼ of said Section 30 a distance of 1500.0 feet, more or less, to the South margin of US Highway 82 (Walnut Street): and run thence Northwesterly with the margin of road 82 a distance of 880.0 feet, more or less, to a concrete post on West boundary of the East half of the West half of said section 30; run thence South with the said West boundary a distance of 1500.0 feet, more or less, to the North margin of U. S. Highway 82 Centreville By-Pass: Run thence Northeasterly with the North margin of said By-Pass a distance of 1500.0 feet, more or less, to the North-South half section line through said Section 30; and run thence North with said half section line a distance of 1987.0 feet, more or less, to the point of beginning, and being in the East half of the West half of Section 30, Township 23 N, Range 10 East.

ALSO: Beginning at the intersection of the present North boundary of the Town Limits of Centreville, in the SE¼ of the SE¼ of Section 14, Township 23 N, Range 9 East, and 660.0 feet, more or less, North of the South boundary of said section 14, and center line of the Cahaba River and run thence West with the present North boundary of said Town Limits, a distance of 1800.0 feet, more or less, to the West end thereof and 500.0 feet West of Highway 5, as now located, and run thence Northeasterly and parallel to said Highway 5 and 500.0 feet West thereof a distance of 700.0 feet, more or less to the South boundary of the North half of the South half of said Section 14, run thence West with said South boundary to the SW corner of the East half of the NW¼ of the SW¼ of said Section 14, run thence North with the West boundary of the said East half of the NW¼ of the SW¼ a distance of 1320.0 feet, more or less, to the NW corner thereof; and run thence East with East-West half section line a distance of 660.0 feet, more or less, to the SW corner of the SE¼ of the NW¼ of said Section 14, run thence North with the West boundary of the said SE¼ of the NW¼ a distance of 1320.0 feet, more or less, to the NW corner thereof; run thence East with the North boundary of the South half of the North half of said Section 14 a distance of 3740.0 feet, more or less, to the centerline of the Cahaba River; and run thence Southerly with the center line of the said Cahaba River a distance of 3330.0 feet, more or less, to the point of beginning and all being in S 14, T 23N, R 9E.

Section 2. This Act shall become effective immediately upon its

passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BIBB

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. W. Oakley, Sr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the THE CENTREVILLE PRESS, a newspaper of general circulation published in Bibb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 20, June 27, July 4, and July 11, all in the year 1963.

J. W. OAKLEY, SR.,

Sworn to and subscribed before me July 15, 1963.

MARVIN HUETT,
Title Notary Public.

Also:

By Messrs. Merrill, Burnham and Albea:

H. 712. To alter, rearrange and extend the boundary lines of the City of Anniston, Alabama in Calhoun County, Alabama, so as to include within the corporate limits of said city certain property therein set out and described.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA,
COUNTY OF CALHOUN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama during the Regular Session of 1963, and application for its passage and enactment will be made, to wit:

A BILL TO BE ENTITLED AN ACT

To alter, rearrange and extend the boundary lines of the City of Anniston, Alabama in Calhoun County, Alabama, so as to include within the corporate limits of said city certain property therein set out and described.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Anniston in Calhoun County, Alabama, are hereby altered, rearranged and changed so as to include within the corporate limits of said city all of the following

described real estate located in Calhoun County, Alabama and specifically described by metes and bounds as follows, viz:

Beginning at the northwest corner of the northwest quarter of the northeast quarter of Section 20, Township 16 South, Range 8 East, said point being on the south boundary line of the corporate limits of the City of Anniston, Alabama; thence in a southwesterly direction 1480 feet, more or less, to a point on the south boundary line of the northeast quarter of the northwest quarter of said Section 20, said point being 660 feet west of the southeast corner of said northeast quarter of the northwest quarter of said section 20; thence east along the south boundary of said quarter—quarter 660 feet to the southeast corner thereof; thence south along the north-south center line of said Section 20 to a point 795 feet, more or less, north of the center of said Section 20; thence east and parallel to the east-west center line of said Section 20 a distance of 900 feet, more or less, to a point; thence north and parallel to the north-south center line of said Section 20 a distance of 1050 feet, more or less, to a point; thence east 420 feet to a point on the east boundary line of the northwest quarter of the northeast quarter of said Section 20; thence south along the east boundary line of the west half of the northeast quarter of said Section 20 to a point 325 feet, more or less, north of the east-west center line of said Section 20, said point being on the present line of corporate limits of the town of Oxford, Alabama; thence east and parallel to the east-west center line of said Section 20 to a point 400 feet, more or less, east of the west line of Section 21, Township 16 South, Range 8 east; thence south and parallel to the west boundary line of said Section 21 to the south boundary line of the northwest quarter of the southwest quarter of said Section 21; thence east along the south boundary line of said quarter-quarter to the southeast corner thereof; thence south along the west line of the southeast quarter of the southwest quarter of said Section 21 to the north line of the right of way of the Southern Railway Company; thence east along the north line of said right of way to the east boundary line of said quarter-quarter; thence north along the east line of said quarter-quarter to the northeast corner thereof; thence east along the north line of the southwest quarter of the southeast quarter of said Section 21 443 feet, more or less, to a point; thence south and parallel to the north-south center line of said Section to the north line of said Southern Railway Company right of way; thence east along the north line of said right of way to a point on the east line of said Section 21; thence north along said Section line to the northeast corner of the southeast quarter of the southeast quarter of said Section 21; thence west along the north line of said quarter-quarter to the northwest corner thereof; thence north along the west line of the northeast quarter of the southeast quarter of said Section 21 to the northwest corner thereof; thence east along the north line of said quarter-quarter to the northeast corner thereof; thence north along the east line of said Section 21 to the east-west center line of the northeast quarter of said Section 21; thence west along said east-west center line of said northeast quarter to the north-south center line of said Section 21; thence south along said north-south center line 330 feet, more or less, to a point; thence west and parallel to the north boundary line of the southeast quarter of the northwest quarter of said Section 21 to a point on the north-south center line of the northwest quarter of said Section 21; thence north along said north-south center line of said northwest quarter of Section 21 to the north line of said Section 21; thence west along the north line of said Section 21 and of said Section 20 to the point of beginning, all being in Calhoun County, Alabama.

Section 2. All laws or parts of laws, both general, special or

local in conflict with this Act are hereby expressly repealed.

Section 3. This Act shall take effect immediately upon the passage and approval by the Governor, or upon its otherwise becoming a law.

Personally appeared before me Ralph W. Callahan, who being duly sworn, makes oath that he is General Manager of The Anniston Star, a daily newspaper published in Anniston, Alabama, and that the attached notice was published on the following dates: June 17-24, July 1-8, 1963.

RALPH W. CALLAHAN,

Sworn to and subscribed before me this 12 day of July, 1963.

LOLA J. BRIGHT,
Notary Public.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H.B.'s 696, 704, 706, 707, 708, 710 and 712 — to the Committee on Local Legislation

(The above-numbered Bill, H.B. 706, was read at length as required by the Constitution.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Doggett:

H. 715. To alter, rearrange and extend the boundary lines and corporate limits of the town of Butler, in Choctaw County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

STATE OF ALABAMA
COUNTY OF CHOCTAW

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the Town of Butler, in Choctaw County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the Town of Butler in Choctaw County, Alabama, are hereby altered, rearranged, and extended to include within the corporate limits of the Town of Butler, Alabama, the following described territory situated in Choctaw County, Alabama, to wit:

All that portion lying South of Riderwood Road in the NW¼ of NW¼ and SW¼ of NW¼, Section 24, Township 13 North, Range 3 West, Choctaw County, Alabama, and containing 63 acres, more or less.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CHOCTAW

Before me, the undersigned authority in and for said County in said State, this day personally appeared M. Hollis Curl, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor & Publisher of the Choctaw Advocate, a newspaper of general circulation published in Choctaw County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 13, June 20, June 27, and July 4, all in the year 1963.

M. HOLLIS CURL,

Sworn to and subscribed before me July 8, 1963.

JANICE W. BLOUNT,
Title Notary Public.

Also:

By Mr. Doggett:

H. 716. Relating to counties having not less than 17,800 nor more than 18,700 populations; providing for the payment of additional expense allowances of members of the court of county commissioners, board of revenue or like governing body of such counties.

Also:

By Mr. McCorquodale:

H. 717. Proposing an amendment to the Constitution of Alabama relative to promotion of economic development of Clarke County.

Also:

By Mr. McCorquodale:

H. 718. Relating to counties having populations of not less than 25,700 nor more than 25,900, regulating further the insuring of certain public school buildings in such counties, together with the equipment, furniture, fixtures, and other property of such buildings.

Also:

By Mr. Cantroll:

H. 725. To provide for the appointment and compensation of additional deputies of the Sheriff of Colbert County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF COLBERT

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide for the appointment and compensation of additional deputies of the Sheriff of Colbert County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Court of County Commissioners or other like governing body of Colbert County may authorize the Sheriff of the County from time to time, to appoint not more than five additional Deputy Sheriffs, each to be appointed at such time, or from time to time, as the Court of County Commissioners or other like governing body of Colbert County may determine that the same are needed or not needed to insure the efficient performance of the duties and obligations of the Office of the Sheriff of Colbert County, taking into account any population increase or decrease and all other factors in connection with the matter of the efficient performance of the duties and obligations of the Office of the Sheriff of Colbert County.

Section 2. A deputy sheriff appointed under the authority of this Act shall hold office at the pleasure of the sheriff of Colbert County, and shall receive such salary, not exceeding \$350 a month, as may be fixed and allowed by the governing body of the county, to be paid in equal monthly or semimonthly installments out of the general funds of the county.

Section 3. A deputy sheriff appointed under this Act shall be eligible to perform the duties of a deputy sheriff anywhere in Colbert County.

Section 4. The provisions of this Act shall become effective only upon the approval of a majority of the qualified electors of Colbert County who vote thereon at a referendum election which is ordered to be held on the date of the first County-wide Primary, general or special election held after passage of this Act. The Court of County Commissioners, Board of Revenue or other like governing body of Colbert County shall order and provide for holding a referendum on such date. Notice of the election shall be given by publication once a week for three consecutive weeks in a newspaper published in the county. The election shall be held and conducted in the manner provided by law for holding other county elections, and the cost of the election, including the cost of publishing the notice, shall be paid by the county. The question to be voted on shall be stated on the ballots substantially as follows: "Do you favor permitting the governing body of Colbert County to furnish the Sheriff of Colbert County additional help from time to time as the same may be needed up to five additional deputy sheriffs who shall receive salaries not to exceed \$350.00 per month?"

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF COLBERT

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mary Scott, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Secretary of the Valley Voice, a newspaper of general circulation published in Colbert County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 2, May 9, May 16, and May 22, all in the year 1963.

MARY SCOTT,

Sworn to and subscribed before me July 17, 1963.

HELEN C. BLALOCK,
Title Notary Public.

Also:

By Mr. Teel:

H. 729. To provide for the compensation of jurors in counties having populations of not more than 10,900 according to the last or any subsequent federal decennial census.

Also:

By Mr. Jones (Covington):

H. 730. To change the method of compensating certain officers of Covington County, placing such officers on a salary basis, and providing for the operation of their offices on such basis.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

STATE OF ALABAMA,
COUNTY OF COVINGTON.

Notice is hereby given that a bill substantially as follows will to introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To change the method of compensating certain officers of Covington County, placing such officers on a salary basis, and providing for the operation of their offices on such basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Covington County shall be entitled to receive annual salaries in lieu of any fees, commissions, percentages, and allowances, except as herein otherwise provided:

The judge of probate shall receive an annual salary of \$10,000 which shall include his compensation for all ex officio duties.

The sheriff shall receive an annual salary of \$7,000, and also all fees allowed sheriffs under the general law for duties performed in relation to criminal cases, up to but not exceeding in the aggregate \$3,500 per annum.

The tax assessor shall receive an annual salary of \$7,500.

The tax collector shall receive an annual salary of \$7,200.

Section 2. The court of county commissioners, board of revenue or other like governing body of Covington County, shall provide compensation for clerks, assistants and secretaries for the officers enumerated in this Act in such numbers as may be necessary for the efficient conduct of their offices, Provided, the aggregate compensation of clerks, assistants and secretaries for the judge of probate in any one year shall not exceed forty-five percent of the gross receipts of the probate office for the preceding year. Each officer shall appoint his own deputies, clerks, secretaries, and assistants, and shall fix their compensation, subject to the approval of the county commissioners, board of revenue, or other like county governing body as to number and rate of pay, except as herein otherwise provided.

Section 3. The fees, commissions, percentages, allowances, charges, and court costs heretofore collectible for the use of any of the officers named in Section 1 shall be collected hereafter for the use of the county and shall be paid into the general fund in the county treasurer. Provided, the sheriff shall be entitled to the allowances payable by the state for feeding prisoners. The compensation of the officers named in Section 1, and of their clerks, deputies, secretaries, and other assistants shall be paid in installments from the general fund of the county at such times as the board of revenue or other like county governing body may direct.

Section 4. The court of county commissioners, board of revenue or other like governing body of Covington County shall provide the judge of probate, sheriff, tax assessor, and tax collector, with the books, stationery, office equipment, supplies, postage, and other conveniences as may be necessary for the proper and efficient conduct of the affairs of their respective offices.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall become effective as to each county office specified at the expiration of the term of the incumbent officer, and upon the ratification of an amendment to the Constitution authorizing the Legislature to change the method of compensating the officers named in this Act, providing a majority of the qualified electors of Covington County who vote thereon vote in favor of the adoption of the amendment when it is submitted. If a majority of the qualified electors of Covington County who vote thereon against the adoption of the amendment, this Act shall have no further effect even though the amendment to the Constitution is ratified.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF COVINGTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Ed Dannelly, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the The Andalusia Star-News, a newspaper of general circulation published in Covington County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 6, June 13, June 20, and June 27, all in the year 1963.

ED DANNELLY,

Sworn to and subscribed before me July 8, 1963.

LORA JONES,
Title Notary Public.

Also:

By Mr. Drake:

H. 736. Relating to Cullman County; authorizing and providing for the establishment, maintenance, operation, control and financing of a public law library for the county.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF CULLMAN

NOTICE is hereby given that a bill substantially as follows will be introduced in the legislature of Alabama and application for its passage and enactment will be made, to wit:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Cullman County; authorizing and providing for the establishment, maintenance, operation, control and financing of a public law library for the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue or like governing body of Cullman County shall establish and maintain a public law library in the county and may expend public funds, not otherwise appropriated, to provide suitable housing, quarters, furniture, fixtures and equipment for the library and to keep it in a good state of maintenance and repair, to expand, improve or add to the library, its facilities and equipment; to purchase such books and periodicals as may be needed from time to time; to pay the salaries of a librarian and such other personnel as may be necessary, in amounts and to the extent that such salaries and other expenditures as herein authorized are not paid from the proceeds of a special fund hereinafter created for the purpose of defraying costs of the operation of the library.

Section 2. There shall be taxed, as cost, the sum of one dollar and fifty cents (\$1.50) in each civil action at law or suit in equity brought in the circuit court of Cullman County whether filed in arising in, or brought by appeal or certiorari or otherwise to the court, which cost shall be collected as other costs are collected by the clerk of said court or the register in chancery, as the case may be, which cost shall be designated the "law library fee." Not later than the tenth day of each month such fees as have been collected during the preceding calendar month shall be covered into the county treasury to the credit of a special fund to be designated the Law Library Fund of Cullman County.

Section 3. The management of the Cullman County public law library shall be vested in a committee consisting of three members elected for terms of one year by the Cullman County bar association. The management committee shall have full authority to purchase books and periodicals and other materials, equipment and supplies and to fix the salaries of such personnel as may in the opinion of the committee be advisable and, if circumstances permit, to designate court officials to operate or to assist in the operation of the library. The committee may also from time to time sell or exchange any books, reports, periodicals and personal property, and apply the proceeds of the sale or the value thereof upon the purchase of other books, reports, periodicals, and personal property for use in the library, and may, in its discretion, accept any gift or loan of such items upon terms and conditions stipulated by the lender or donor. The management committee shall have full authority to execute contracts in connection with the operation of the law library which may create obligations

constituting a proper charge payable from the Cullman County Law Library Fund and shall not thereby obligate the individual members of the committee.

Section 4. Expenditures from the Cullman County Law Library Fund shall be made on orders of the management committee. All books, periodicals and other property of the library shall be the property of Cullman County.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CULLMAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Robert Bryan, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Cullman Times, a newspaper of general circulation published in Cullman County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 4, June 11, June 18, and June 25, all in the year 1963.

ROBERT BRYAN,

Sworn to and subscribed before me July 3, 1963.

COLLEEN BUCHANAN,

Title Notary Public.

My Commission Expires Nov. 7, 1964.

Also:

By Mr. Drake:

H. 737. To amend Section 1 of Act No. 56, H. 325, Regular Session 1943 (Local Acts 1943, p. 28), an act authorizing the levy in Cullman County of a privilege tax on persons and business selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county gasoline, naptha, and other liquid motor fuels or any device or substitute therefor, commonly used in internal combustion engines.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF CULLMAN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 1 of Act No. 56, H. 325, Regular Session 1943 (Local Acts 1943, P. 28), an act authorizing the levy in Cullman County of a privilege tax on persons and businesses selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county gasoline, naptha, and other liquid motor fuels or any device or substitute therefor, commonly used in internal combustion engines.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 56, H. 325, Regular Session 1943, (Local Acts 1943, p. 28), an act authorizing the levy in Cullman County of a privilege tax on persons and businesses selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county gasoline, naptha, and other liquid motor fuels or any device or substitute therefor, commonly used in internal combustion engines is hereby amended to read as follows:

"Section 1. That the Road and Bridge Commissioner of Cullman County, Alabama, may for the purpose of constructing and maintaining public roads, streets, bridges and ferries in Cullman County, Alabama, levy and collect a privilege tax of not more than one cent per gallon on all gasoline, naptha, and other liquid motor fuels or any device or substitute therefor, commonly used in internal combustion engines provided, however, that nothing contained herein, shall be held to apply to those products known commercially as 'kerosene oil', 'fuel oil,' or 'crude oil' commonly used for lighting, heating or industrial purposes, sold or delivered in said County, for the privilege of selling or delivering same. Provided further, that the tax shall not apply to Diesel oil, tractor fuel, gas oil, distillate or liquified gas, kerosene and jet fuel even though such fuels may be used in internal combustion engines."

Section 2. This act shall take effect on the first day of the month next succeeding its enactment.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CULLMAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Robert Bryan, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Cullman Times, a newspaper of general circulation published in Cullman County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice

having appeared in the issues of said paper on June 4, June 11, June 18, and June 25, all in the year 1963.

ROBERT BRYAN,

Sworn to and subscribed before me July 3, 1963.

COLLEEN BUCHANAN,
Title Notary Public.

My Commission Expires Nov. 7, 1964.

Also:

By Mr. Baker (DeKalb):

H. 740. To abolish the DeKalb County Hospital Association and Hospital Board now existing as two hospital boards, or Associations, DeKalb County, Alabama, and to establish in lieu thereof in DeKalb County, Alabama, a DeKalb County Hospital Commission to be known as the DEKALB COUNTY HOSPITAL COMMISSION. To provide for the election of the members of said Commission to fix their term of office, and to define the powers and duties of such Commission, and to fix the compensation of the members thereof, and to provide for a referendum on the adoption of this Act, and the machinery for voting on said Act in said referendum.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Notice is hereby given that the following local Act will be introduced and efforts made to pass same in the regular session of the Legislature of Alabama, now in Session.

A BILL TO BE ENTITLED AN ACT

To abolish the DeKalb County Hospital Association and Hospital Board now existing as two hospital boards, or Associations, DeKalb County, Alabama, and to establish in lieu thereof in DeKalb County, Alabama, a DeKalb County Hospital Commission to be known as the DeKalb County Hospital Commission. To provide for the election of the members of said Commission. To fix their term of office, and to define the powers and duties of such Commission, and to fix the compensation of the members thereof, and to provide for a referendum on the adoption of this Act, and the machinery for voting on said Act in said referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. That the DeKalb County Hospital Association as created by general acts of Legislature of Alabama, 1945, page 332, and approved July 17, 1945, and the DeKalb County Hospital Board as authorized by Acts of the Legislature of Alabama, 1949, page 69. Approved June 2, 1949, and as amended by 1955 Acts of the Legislature, page 437, Approved July 29, 1955, by the Legislature of Alabama be and are hereby abolished.

Section 2. There is hereby created and established, in lieu thereof, in and for DeKalb County, Alabama, and State of Alabama, a DeKalb County Hospital Commission, to be composed of five (5) members, and all of whom shall be qualified electors of DeKalb County, Alabama, and of their respective districts.

Section 3. That for the purpose of this Act and enforcement thereof, said County of DeKalb is hereby divided into four (4) subdivisions, to be known as Districts and numbered respectively from one to four (1 to 4) both inclusive, and the boundaries and numbers of each district shall be as outlined and defined for the election of DeKalb County Commissioners of DeKalb County, Alabama.

Section 4. James F. Holcomb is hereby designated, declared, and appointed from District one, and he shall be and become a member of the DeKalb County Hospital Commission, from said District, and his term of office shall begin on the First Monday after the approval of this Act in a referendum, as hereinafter provided, and he shall hold office until the First Tuesday after the Second Monday in January, 1965, and until his Successor is elected and qualified.

John Lindsey is hereby designated, declared and appointed from District Number Two, and he shall be and become a member of the DeKalb County Hospital Commission from said District, and his term of office shall begin the First Monday after the ratification of this Act, in a referendum hereinafter provided for by the qualified electors of DeKalb County, Alabama, and he shall hold office until the First Tuesday after the Second Monday in January, 1965, and until his successor is elected and qualified.

E. E. Browning is hereby designated, declared and appointed from District Number Three, and shall be and become a member of the DeKalb County Hospital Commission from said District, and his term of office shall begin on the First Monday after the ratification of this Act in a Referendum by the qualified electors of DeKalb County, as hereinafter provided, and he shall hold office until the First Tuesday after the Second Monday, in January, 1965, and until his successor is elected and qualified.

Mitchell Adams is hereby designated, declared and appointed from District Number Four, and he shall be and become a member of the DeKalb County Hospital Commission from said District, and his term of office shall begin on the First Monday after the ratification of this Act in a referendum by the qualified electors of DeKalb County, as hereinafter provided, and he shall hold office until the First Tuesday after the Second Monday in January, 1965, and until his Successor is elected and qualified.

Sam Baugh is hereby designated, declared and appointed a member of the said DeKalb County Hospital Commission at large, and his term of office shall begin on the First Monday after the ratification of this Act in a referendum hereinafter provided for by the qualified electors of DeKalb County, Alabama, and he shall hold office until the First Tuesday after the Second Monday in January, 1965, and until his successor is elected and qualified.

Section 5. There shall be elected on the First Tuesday after the First Monday in November, 1964, and every fourth year thereafter, by the qualified electors of the entire county, the members of the DeKalb County Hospital Commission and from each of said districts there shall

be elected members running from their respective districts, and they shall be bona fide residents of, and qualified electors of the District from which they are seeking to be elected, and upon their election, shall hold office for a period of Four (4) years, and until their successors are elected and qualified and shall qualify for office and take the oath required by law of public officers of DeKalb County, Alabama.

Section 6. The member of the DeKalb County Hospital Commission, at Large, shall be a resident of said County continuously during his term of office, and each member of said DeKalb County Hospital Commission shall be a resident of the District for which he is elected, and shall reside in said district continuously during his term of office.

Section 7. That the Compensation of the members of the DeKalb County Hospital Commission shall be ten dollars (\$10.00) for each regular meeting or special meeting of said commission, and in addition thereto, they shall receive eight cents (8¢) per mile travel expenses to and from their usual place of abode, to the meeting place of the DeKalb County Hospital Commission. Said compensation shall be payable out of any funds that may be available, and shall be a prior claim thereon from the general fund of the said DeKalb County Hospital operations as may be provided by law.

Section 8. That the DeKalb County Hospital Commission shall have the power and authority to direct and control the property and all assets, and monies of every kind of character now existing in DeKalb County, Alabama, for public hospitals owned by DeKalb County, Alabama, or which may be established in the future, and which may be operated in DeKalb County, Alabama, under the general laws of the State of Alabama, and the DeKalb County Hospital Commission shall have all jurisdictions and powers which are or may hereafter be by law provided for the operation of public hospitals in DeKalb County, Alabama, and the members of the DeKalb County Hospital Commission shall perform all the duties and services and exercise all the powers which are or may be provided by law for the operation of public hospitals in the State of Alabama, or DeKalb County, and generally shall have the general jurisdiction and control of all hospitals of a public nature and established by law as public hospitals in DeKalb County, Alabama.

Section 9. The DeKalb County Hospital Commission, immediately after the ratification of this act or the referendum hereinafter provided, shall meet and organize and elect a presiding officer and secretary of said commission and to do any and all other acts as may be necessary to take over the operation of public hospitals in DeKalb County, Alabama, and adopt rules regulations, after consultation with the Medical Association Staff, for the operation of the said DeKalb County Hospitals; and the DeKalb County Hospital Commission shall meet at least one time each month on the First Monday in each month or such other times as the President of said Commission may deem expedient for the transaction of the business of the DeKalb County Hospitals.

All property heretofore held by the DeKalb County Hospital Association and the DeKalb County Hospital Board, including money, shall after the approval of this Act, as provided herein, be administered by the DeKalb County Hospital Commission, created by this Act, and all persons holding or who may have charge of such property are authorized and directed to turn over to the duly authorized employees of the DeKalb County Hospital Commission as may be directed by said Commission; and all legal obligations, debts, or bond issues now

outstanding or which may be outstanding on the effective date of this Act, of the DeKalb County Hospital Association, or DeKalb County Hospital Board, shall be assumed by the DeKalb County Hospital Commission, and shall be an obligation of said Commission and shall be paid by it.

Section 10. The said DeKalb County Hospital Commission is hereby granted full authority to operate the present hospitals created by law in and for DeKalb County, Alabama, or otherwise acquire buildings to be used in the operation of the hospitals, receive gifts of money or equipment to be used in the operation of the hospitals, appoint an Administrator for the hospitals, or if the DeKalb County Hospital Commission deems it advisable, it may contract, hire or let out to any society, organization, association or agency, and make payments to said society, organization, association or agency for the care of indigent or charity patients, and the DeKalb County Commission may appropriate such funds authorized by law for care of indigent patients.

The DeKalb County Hospital Commission shall prepare an annual budget and make a report to the governing body of DeKalb County, Alabama, which said report shall include a list of the employees and the salaries of each, on January 1, of each year.

Section 11. The DeKalb County Commission or other governing body of DeKalb County, Alabama, is hereby authorized and directed to transfer and convey unto the DeKalb County Hospital Commission, the proceeds of the special county tax for public hospital purposes, which may be hereafter collected or provided for. Said tax shall be paid over to the DeKalb County Hospital Commission and shall be used by the DeKalb County Hospital Commission for any one or more of the purposes for which the tax shall have been voted; provided that payment of the proceeds of said tax to said DeKalb County Hospital Commission shall be made only to such extent as will not result in the impairment of the obligations of any contract heretofore made with respect to said tax, and that the Tax Collector of DeKalb County, Alabama, shall collect such special county tax in the same manner under the same requirements and laws as taxes of the state are collected, and shall keep said amount separate and apart from all other funds, and shall keep a clear and distinct account thereof, and shall turn the same over to the DeKalb County Hospital Commission, whose duty shall be to receipt therefor.

Section 12. The DeKalb County Hospital Commission may anticipate the proceeds from any special county tax required to be paid to it, in accordance with the provisions of this Act or any other law applicable thereto, by issuing securities for any one or more of the purposes for which the tax shall have been voted, and may pledge for the payment of the principal thereof and interest thereon, not exceeding seventy-five percent of the annual proceeds from said tax so paid to it. All securities issued hereunder shall be payable from the proceeds of the special tax in respect of which they were issued and from such other funds of the hospital corporation as its Directors may determine, but this provision shall not prohibit payment of the securities from any other funds which may be available therefor under any other provision of law, provided, however, that in no event shall such securities be payable from such other funds if the effect thereof shall be to subject such securities to any constitutional debt limit or to any constitutional requirement that they may be authorized by vote of the qualified voters. Said securities shall be the obligation only of the DeKalb County Hospital Commission issuing the same,

in accordance with the terms of such securities. DeKalb County shall, in no event be liable for any obligation created by DeKalb County Hospital Commission or by issuance of securities thereby, nor shall said securities be construed to be an indebtedness of or against DeKalb County, Alabama, or a political sub-division thereof. All securities issued hereunder shall have pre- or other operating expenses, or any other purposes of the hospitals. All pledges of said tax and all contracts made with respect thereto, shall take precedence in the order in which they are made, and create a charge on the proceeds of said tax prior to the expense of operation and maintenance of the DeKalb County Hospital facilities.

Section 13. Securities issued under the authority of this Act may contain such other terms, provisions, conditions, limitations and agreements, not inconsistent with the provisions of this Act, as the Directors of the DeKalb County Hospital Commission who may issue the same, shall deem advisable, including, but not limited to a pledge of all or any part of the revenues of the hospital corporation and payment of the securities and a mortgage of all or any part of the property, real or personal, or any interest therein, of the DeKalb County Hospital Commission, including the property acquired, or to be acquired from the proceeds of the securities being issued, if any, as security for the payment of the principal of and interest on the securities, provided that no such mortgage or pledge shall be construed so as to permit the foreclosure thereof. If any mortgage is required or provided for any securities issued under the provisions of this Act, same shall be authorized and executed by the DeKalb County Hospital Commission on behalf of the DeKalb County Hospital Commission, if same is expedient or necessary.

Section 14. Securities of the DeKalb County Hospital Commission may be executed and delivered by it at any time and from time to time, shall be in such form and demonstrations and of such tenor and maturities, shall contain such provisions not inconsistent herewith, and shall bear such rate or rates of interest payable and evidence in such manner as may be provided by resolution of the Directors of the DeKalb County Hospital Commission providing for their issuance. Such securities shall be payable at such place or places, either within or without the State, that shall be prescribed in the resolution of the Directors of the DeKalb County Hospital Commission, providing for their issuance. Such securities and any interest coupons applicable thereto, shall be executed in such manner and shall be substantially in the form provided for in the authorizing resolution. Any securities issued by the DeKalb County Hospital Commission may thereafter, or any time, whether before, at, or after maturity thereof, and from time to time, be refunded by the issuance of sale or exchange of refunding securities. All bonds and notes issued by the DeKalb County Hospital Commission shall be construed to be negotiable instruments, although payable solely from a specific source. All securities issued by the DeKalb County Hospital Commission, the income therefrom, and all mortgages and other instruments executed as security therefor shall be exempt from all taxation in the State of Alabama.

Section 15. All securities issued hereunder may be sold, either at public or private sale, in such manner and from time to time, as may be determined by the Directors of the DeKalb County Hospital Commission issuing the same to be most advantageous. The DeKalb County Hospital Commission may pay all expenses, premiums, commissions and attorneys' fee to which its Directors may deem

necessary or advantageous in connection with any financing or proposed financing done by it.

Section 16. Unless otherwise directed by the Court having jurisdiction thereof, and by the documents which is the source of authority, a fiduciary may, with the exercise of reasonable business prudence, invest trust fund in the securities of DeKalb County Hospital Commission for payment of the principal of and interest on which the proceeds of any ad valorem, excise or license or privilege tax are pledged.

Section 17. Securities reciting that they are issued pursuant to the terms of this Act shall in any action or proceedings involving their validity, be conclusively deemed to be fully authorized thereby and to have been issued, sold, executed and delivered in conformity therewith and with all the other provisions of law applicable thereto, and shall be incontestable. Anything herein or another statute to the contrary notwithstanding, unless such action or proceedings is begun before or within ninety days after date upon which the securities are delivered and paid for, and no irregularity in the proceedings to authorize the issuance of said securities hereunder nor the omission or neglect of any other officer charged with the execution of any duties imposed by this Act, shall affect the validity of any securities issued hereunder.

Section 18. The Director of the DeKalb County Hospital Commission may, in their discretion, before the issuance of any securities, determine the authority of the DeKalb County Hospital Commission, to issue such securities and the legality of all proceedings had or taken in connection therewith, and the validity of this Act or other means provided for the payment thereof, and the validity of all pledges of revenue and all covenants and provisions contained in any resolution authorizing the securities, and proceedings instituted and conducted in accordance with law, as the same as provided in this Act, and as said Act may be amended from time to time, or in a similar proceedings prescribed by law, but such proceedings shall not be essential to the validity of such securities.

Section 19. A majority of the DeKalb County Hospital Commission shall constitute a quorum for the transaction of business and no funds belonging to the DeKalb County Hospital or hospitals shall be drawn or paid out, except as authorized by the DeKalb County Hospital Commission and a proper list and registry of all sums drawn or paid out and the nature of the claim, and the person in whose favor drawn or paid out, shall be kept and maintained at all times and the books and accounts of said DeKalb County Hospital Commission shall be audited regularly by the Department of Examiners of accounts, Montgomery, Alabama, and said audit shall be made at least once each year. Said audit shall be filed in the office of the DeKalb County Commission, or such other governing agency of DeKalb County, Alabama, and said audit shall be subject to public inspection; and any technical equipment purchased by the DeKalb County Hospital Commission shall first be approved by the Medical Staff of said Hospitals.

Section 20. That the DeKalb County Hospital Commission shall do and perform all acts and services and shall exercise all powers and functions which are now, or hereafter by law are required or authorized for the operation of public hospitals in DeKalb County, Alabama, and shall be subject to the same privileges and penalties that are provided in said Laws.

Section 21. The DeKalb County Hospital Commission shall generally supervise all hospital operations of a public nature in DeKalb County, Alabama, which are owned by DeKalb County, Alabama, and may do any and all acts necessary and expedient for the purpose of maintaining and operating said hospitals.

Section 22. In the employment of the Administrator and the operations of public hospitals in DeKalb County, Alabama, the DeKalb County Hospital Commission shall only employ such person or persons as are qualified in hospital administration, and persons who are trained in the field of hospital administration, and the said DeKalb County Hospital Commission is hereby prohibited from employing any relative of any member of said Commission as an employee of any hospital operated by the said DeKalb County Hospital Commission, and the hospital medical staff shall be consulted in the employment of a Hospital Administrator.

Section 23. Should any vacancy occur in the DeKalb County Hospital Commission, such vacancy shall be filled by appointment of the DeKalb County Commission, or other governing body of DeKalb County, Alabama, for the unexpired term.

Section 24. That the DeKalb County Commission, or other like governing body of DeKalb County, Alabama, shall provide for the holding of a referendum on the day that a Constitutional Amendment is to be voted on in DeKalb County, Alabama, after the passage of this Act. Said referendum to be held on the 13th day of August, 1963. It being the intention to hold said referendum on the same date of the first election upon any proposed amendment to the Constitution of the State of Alabama, in order to save the cost of two elections. Said referendum shall be for the purpose of determining whether a majority of the qualified electors of DeKalb County Alabama voting therein, are in favor of having the DeKalb County Hospitals operated and maintained by the DeKalb County Hospital Commission as created by this Act. And determine whether or not a majority of the qualified electors favor the DeKalb County Hospital Commission exercising jurisdiction over the construction, repair, operation and maintenance of DeKalb County Hospitals, which may be now or hereafter owned by DeKalb County, Alabama. On the ballots to be used at the election the question shall be stated substantially as follows: "Do you favor having the DeKalb County Hospital Commission, composed of five members elected by the people of DeKalb County, Alabama, exercise jurisdiction over the construction, repair, operation and maintenance of DeKalb County Hospitals?" Yes () No ().

The results of the election and the conduct of the same shall be held and conducted as nearly as possible in the manner provided for the conduct of elections on amendments to the Constitution of the State of Alabama: and the DeKalb County Commission shall provide for the election supplies and expenses of said election out of the general fund of DeKalb County, Alabama.

Section 25. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 26. The provisions of this Act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part of which remains.

Section 27. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA
DeKALB COUNTY

Before me Phyllis H. Wilbanks, a Notary Public, in and for said State and County, personally appeared Ben M. Smith, who being by me first duly sworn, deposes and says: That he is Publisher of the Times-Journal, which during the time mentioned, was a newspaper of general circulation, published in DeKalb County, Alabama, and that the foregoing notice was published, without cost to the State of Alabama, in said Newspaper in the issues thereof, successively on June 4, June 11, June 18, and June 25, 1963.

BEN M. SMITH,

Sworn to and subscribed before me this the 5th day of July, A. D., 1963.

PHYLLIS H. WILBANKS,
Notary Public.

My Commission Expires 10-13-63.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 715, 716, 717, 718, 725, 729, 730, 736, 737 and 740 — to the Committee on Local Legislation

(The above-numbered Bill, H. B. 717, was read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Hannah and Boston:

H. 774. To provide for payment of expenses of circuit solicitors in judicial circuits in Alabama composed of one county and having a population of not less than Sixty Thousand Five Hundred (60,500) and not more than Sixty-five Thousand (65,000) inhabitants according to the last or any succeeding federal decennial census, to be paid out of the county treasury of such counties.

Also:

By Mr. Turnham:

H. 779. Relating to Lee County; authorizing the county to pay

the expenses of the sheriff and his deputies incurred in attending approved courses in law enforcement training; giving the Act limited retroactive effect.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Lee County; authorizing the county to pay the expenses of the sheriff and his deputies incurred in attending approved courses in law enforcement training; giving the Act limited retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Lee County may appropriate county funds for the purpose of paying the reasonable and necessary expenses incurred by the sheriff or his deputies in attending approved courses in law enforcement training, in such amounts as the Governing Body of Lee County may determine proper.

Section 2. This Act shall take effect immediately and shall have retroactive effect to March 31, 1963. That is, the Act shall have prospective operation, and appropriations may be made for reimbursement of any expenses incurred by the sheriff or his deputies at any time after March 31, 1963.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LEE

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. C. Wear, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was president of the Opelika Daily News, Inc., a newspaper of general circulation published in Lee County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 4, June 11, June 18, and June 25, all in the year 1963.

W. C. WEAR, JR.

Sworn to and subscribed before me July 9, 1963.

DOROTHY W. MITCHELL,
Title Notary Public.

Also:

By Mr. Turnham:

H. 780. To amend Act No. 394, H. 828, Regular Session 1961 (Acts 1961, v. 1, p. 406) in relation to the compensation of the chief deputy and other deputies and assistants of the sheriff of Lee County.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 394, H. 828 Regular Session 1961 (Acts 1961, v. 1, p. 406) in relation to the compensation of the chief deputy and other deputies and assistants of the sheriff of Lee County.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 394, H. 828, Regular Session 1961 (Acts 1961, v. 1, p. 406), Section 1, is hereby amended to read as follows:

"Section 1. The board of revenue, court of county commissioners or other like governing body of Lee County shall provide the sheriff of the county with one chief deputy and two assistant deputies and in its discretion two additional assistant deputies, one jailer and one deputy clerk. The chief deputy shall receive not less than \$250 nor more than \$420 monthly; each assistant deputy shall receive not less than \$200 nor more than \$370 monthly; the jailer shall receive not less than \$150 nor more than \$270 monthly; and the deputy clerk shall receive not less than \$100 nor more than \$200 monthly. The exact amount of compensation to be paid to each of such deputies and assistants shall be fixed by the county governing body and shall be paid out of the general fund of the county."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LEE

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. C. Wear, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was president of the Opelika Daily News, Inc., a newspaper of general circulation published in Lee County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 4, June 11, June 18, and June 25, all in the year 1963.

W. C. WEAR, JR.

Sworn to and subscribed before me July 9, 1963.

DOROTHY W. MITCHELL,
Title Notary Public.

Also:

By Mr. Turnham:

H. 781. To provide for the payment of an expense allowance to members of the board of revenue, court of county commissioners or like governing body of Lee County.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for the payment of an expense allowance to members of the board of revenue, court of county commissioners or like governing body of Lee County.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the board of revenue, court of county commissioners or like governing body of Lee County shall be entitled to an allowance for expenses payable from any funds in the county treasury not otherwise appropriated in the amount of \$50 a month. The expense allowance herein provided for shall be in addition to all other compensation and allowances provided members of the county governing body by general, special or local laws.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on the first day of the month next following the date of its enactment.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LEE

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. C. Wear, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was president of the Opelika Daily News, Inc., a newspaper of general circulation published in Lee County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 4, June 11, June 18, and June 25, all in the year 1963.

W. C. WEAR, JR.

Sworn to and subscribed before me July 9, 1963.

DOROTHY W. MITCHELL,
Title Notary Public.

Also:

By Messrs. Baker (Madison), Reynolds and Pennington:

H. 788. Relating to municipalities having a mayor-council form of government; further regulating the election, compensation, powers and duties of the mayor in all cities having populations of not less than 70,000 nor more than 120,000 according to the 1960 or any subsequent federal decennial census, and repealing conflicting laws.

Also:

By Messrs. Pennington, Reynolds and Baker (Madison):

H. 789. To amend Act No. 395, H. 833, Regular Session 1961 (Acts 1961, v. 1, p. 407), an act providing for the election of the mayor and council in cities having populations of not less than 70,000 nor more than 120,000, in relation to the amount of the qualifying fee required of candidates for mayor or councilman.

Also:

By Messrs. Pennington, Reynolds and Baker (Madison):

H. 790. To amend Act No. 125, S. 29, Special Session 1961, an act providing further for the compensation of circuit court judges in counties having populations of not less than 110,000 nor more than 150,000.

Also:

By Mr. Carr:

H. 800. Relating to Marshall County; providing deputies and other assistants for the sheriff and fixing their compensation; repealing conflicting laws.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

STATE OF ALABAMA COUNTY OF MARSHALL

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Marshall County; providing deputies and other as-

sistants for the sheriff and fixing their compensation; repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the chief deputy sheriff, the sheriff of Marshall County may appoint five deputies and one jailer whose compensation shall be payable by the county. The compensation of the chief deputy shall be a salary of \$400 a month; four deputies shall each be paid a salary of \$300 a month; one deputy shall be paid a salary of \$200 a month; and the jailer shall be paid a salary of \$225 a month. The compensation of the deputies shall be preferred claims against the general funds of the county and shall be paid on warrants drawn in the manner prescribed by law.

Section 2. The provisions of Act No. 65, H. 146, Regular Session 1951 (Acts 1951, v. 1, p. 283), as amended, and all other laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall take effect on the first day of the month next following the date of its enactment.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

STATE OF ALABAMA
MARSHALL COUNTY.

A Bill to be entitled An Act No. 7209.

Before the undersigned authority personally appeared Leroy Sumners, who being first duly sworn deposes and says that he is the Owner of the Boaz Leader, a Newspaper published in Marshall County, Alabama; that he has published the notice in the above captioned cause in said newspaper for 4 successive issues of said paper, published in the issue of said paper dated June 6-13-20-27, 1963 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit, being marked Exhibit "A", that the charge for such publication is \$17.87 which affiant claims is cost in said cause above named.

LEROY SUMNERS,

Sworn to and subscribed to before me this 9 day of July, 1963.

ERNEST B. JENKINS,
Notary Public.

Also:

By Mr. Carr:

H. 801. Relating to Marshall County; changing the method of compensating certain county officers; placing such officers on a salary; and providing for their assistants and the office space and equipment necessary for the conduct of their offices.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF MARSHALL

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Marshall County; changing the method of compensating certain county officers; placing such officers on a salary; and providing for their assistants and the office space and equipment necessary for the conduct of their offices.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Marshall County shall receive the following annual salaries in lieu of all other compensations:

(a) Judge of Probate - Salary - Twelve Thousand dollars (\$12,000.00) - Expenses - Twelve Hundred dollars (\$1,200.00): (b) Tax Assessor - Ten Thousand dollars (\$10,000.00): (c) Tax Collector - Ten Thousand dollars (\$10,000.00): (d) Circuit Clerk - Seven Thousand Two Hundred dollars (\$7,200.00): (e) Register of Circuit Court - Five Thousand dollars (\$5,000.00): (f) Sheriff - Ten Thousand dollars (\$10,000.00).

Section 2. The governing body of Marshall County shall provide the officers enumerated in Section 1 of this Act allowances for the purpose of hiring clerks, deputies, other assistants and an allowance for the sheriff for the purchase and operation of automotive equipment, as follows:

(a) Office of the judge of probate: a maximum of Thirteen Thousand dollars (\$13,000.00) annually;

(b) Office of the Tax Assessor: a maximum of Seven Thousand Five Hundred dollars (\$7,500.00) annually;

(c) Office of the Tax Collector a maximum of Seven Thousand dollars (\$7,000.00) annually;

(d) Office of the Circuit Clerk a maximum of Ten Thousand dollars (\$10,000.00) annually;

(e) Office of Register of Circuit Court a maximum of Seven Thousand Five Hundred dollars (\$7,500.00) annually;

(f) Office of the Sheriff: for deputies and other assistants; a maximum of twenty four thousand three hundred dollars (\$24,300.00) annually;

(g) Office of the Sheriff: for the purchase and operation of automotive equipment; a maximum of Twelve Thousand dollars (\$12,000.00) annually.

Section 3. All fees, commissions, allowances, percentages, charges, and costs heretofore collected for the use of any of the officers enumerated in Section 1 of this Act shall be collected for the use of the county and paid into the county treasury. The compensation of the officers enumerated in Section 1 of this Act and of their clerks, deputies, and assistants shall be paid in monthly installments from the county treasury in the same manner as employees of the county are paid. The automotive allowance for the office of sheriff shall likewise be paid in monthly installments.

Section 4. The governing body of Marshall County shall provide the judge of probate, sheriff, tax assessor, tax collector, circuit clerk, and the register of the circuit court with the necessary quarters, books, stationery, office equipment, supplies, postage, and other conveniences and equipment for the proper and efficient conduct of the affairs of their offices, including an allowance for the purchase of automobiles and the operation thereof for the use of the sheriff and his deputies on official business.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall become effective as to each officer named herein upon the expiration of the term of the incumbent of the office, provided that there is adopted an amendment to the Constitution of Alabama authorizing the Legislature to fix, alter, and regulate the fees, commissions, percentages, allowances, or salaries of, and the method of compensating, the judge of probate, sheriff, tax assessor, tax collector, circuit clerk, and register of the circuit court of Marshall County.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared F. W. Crowe, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 20, June 27, July 4, and July 11, all in the year 1963.

FORREST W. CROWE,

Sworn to and subscribed before me July 15, 1963.

JESSE A. CULP,
Title Notary Public.

Also:

By Mr. Carr:

H. 802. Relating to Marshall County; abolishing the Board of

Revenue and Control and creating in lieu thereof the Commission on Government and Finance of Marshall County; providing for the election of the members of the commission, prescribing their qualifications, terms, and compensation; providing for the organization, powers, duties, jurisdiction and function of the commission and the authority and duty of its members; and prescribing penalties.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF MARSHALL

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Marshall County; abolishing the Board of Revenue and Control and creating in lieu thereof the Commission on Government and Finance of Marshall County; providing for the election of the members of the commission, prescribing their qualifications, terms, and compensation; providing for the organization, powers, duties, jurisdiction and function of the commission and the authority and duty of its members; and prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Revenue and Control of Marshall County created by Act No. 264, H. 756, Regular Session 1955 (Acts 1955, p. 612), is abolished and there is created in lieu thereof the Commission on Government and Finance of Marshall County, to be composed of a chairman thereof and four associate members.

Section 2. The incumbent chairman (probate judge ex officio) and associate members of the Board of Revenue and Control of Marshall County shall serve as chairman and associate members of the Commission on Government and Finance of Marshall County until their successors are elected and qualified as herein prescribed. At the general election to be held in November 1966 and every four years thereafter the chairman of the commission shall be elected by the qualified voters of the county at large and the associate members of the commission shall be elected by qualified voters of their respective districts. The chairman may reside in any precinct or district of the county. Each associate member shall be a resident and qualified elector of one of the districts established by Section 3 of this Act and shall continue to reside therein during the term of office for which elected. The chairman and associate members of the commission shall hold office for terms of four years from the first Monday after the second Tuesday in January next succeeding their election and until their successors are elected and qualified. In the event of a

vacancy on the commission, the vacancy shall be filled by appointment by the Governor for the unexpired term.

Section 3. For the purpose of fixing the residence qualification of associate members of the commission and the jurisdiction of roads in the county, Marshall County is divided into the following districts: District No. 1 shall be composed of the territory included within the present boundaries of precincts 1, 15, 14, 25, 29, 27, 12, 21, 26; District No. 2 shall be composed of the territory included within the present boundaries of precincts 7, 10, 11, 8, 23, 9, 30, 19; District No. 3 shall be composed of the territory included within the present boundaries of precincts 16, 22, 13, 28, 4, 2, 3; District No. 4 shall be composed of the territory included within the boundaries of precincts 20, 5, 24, 18, 6, 17.

Section 4. The chairman of the commission shall have a vote on all questions coming before the commission, shall be its presiding officer, shall sign the minutes of the proceedings of the commission, and shall have the same power and authority as the other members in passing on all questions before the commission. He shall sign and draw all warrants drawn on the county depositories, and all orders for the payment and disbursement of the funds of the county, and shall sign all contracts along with at least two other members entered into by the Commission on Government and Finance of Marshall County for and on behalf of the county. The chairman shall prepare business and obtain information for the sessions of the commission, see that all orders thereof are properly issued, supervise the operation of the office, keeping of books and records, the keeping and recording of accurate minutes of each meeting of the commission, and exercise all the powers and perform all the duties required of judges of probate as to matters coming before the courts of county commissioners.

Section 5. Except as otherwise provided in this Act the Commission on Government and Finance of Marshall County shall have all the jurisdiction and powers which are, or which hereafter may be, vested in courts of county commissioners or other like county governing bodies by the general laws of the State, or vested in the governing body of Marshall County by local law; and the members of the commission shall perform all the duties and services and exercise all the powers which are, or which hereafter may be, provided by law for members of courts of county commissioners or other like county governing bodies, or for members of the governing body of Marshall County. The commission by majority vote may appoint a chief clerk to the commission. The commission may appoint as many assistant clerks as are necessary for the convenient and orderly transaction of its business, and the annual total salaries for such employees may not exceed \$13,000.

Section 6. Each member of the commission shall devote his entire time to the duties of his office, and shall attend the meetings of the commission, which shall hold its session on Monday of each week and may continue in session as long as may be necessary to conduct the business of the county. The commission may adjourn its meetings to any day which it may desire and may hold sessions at any time upon the call of the chairman. Three members of the commission shall constitute a quorum for the transaction of business.

Section 7. Each associate member and the chairman of the commission shall receive a salary of \$6,000 per annum and \$1200 per year expenses and also shall receive reimbursement of actual expenses for travel on official business outside the county as full com-

pensation for the services required of them by this Act, which shall be payable monthly out of the general fund of the county or out of any monies belonging to the road and bridge fund of the county or of the gasoline or motor fuels tax monies appropriated to the county. It is provided, however, that each associate member of the commission shall be furnished, at the expense of the county, a pickup truck or a low-cost passenger car to be used by such members in carrying out their duties of office. Such vehicles shall be plainly marked as county vehicles and shall not be used for personal business or pleasure. As compensation for the services required of him by this Act, the judge of probate shall be paid a salary of \$100.00 per month, as temporary chairman, payable monthly, out of the general fund of the county or out of any monies belonging to the road and bridge fund of the county or out of the gasoline or motor fuels tax monies appropriated to the county, which shall be in full of all compensation to be paid to him for such services.

Section 8. Farm-to-market roads within the county shall be constructed and maintained by the commission. The commission may employ, and when necessary terminate the employment of, an engineer and such assistants as are necessary properly to construct, repair, and maintain the farm-to-market roads. Other county roads and bridges shall be constructed, repaired, and maintained by the commission on a district basis. Each associate member of the commission shall serve as supervisor of roads within his district, and may employ, supervise, direct, and when necessary terminate the employment of, such assistants and labor as are necessary properly to construct, repair, and maintain such other county roads and bridges within his district.

Section 9. It shall be the duty of each associate member of the commission from the four districts of the county, in each December, to file for record with the commission a sworn statement and inventory of all the equipment, machinery, and property of the county in his custody or under his control. The use of any county equipment, materials, or supplies or property of any nature in the custody of or under control of the commission or any member thereof for any kind of work, job, or project on property not owned by the county (excepting church grounds or cemeteries) or on property outside of the county, or the authorization of such work by the commission or by any member of the commission, shall result in forfeiture of office and removal by impeachment of such member or members and in addition thereto such member or members shall forfeit the penal sum of \$5,000 to be recovered by suit brought by any qualified elector of the county, one half for use of such elector and one half for use of the county.

Section 10. No work shall be authorized or performed by the commission or any member of the commission for any municipality of the county having population of more than 750 persons requiring the use of county equipment, materials, supplies or labor unless such work is first authorized pursuant to a written contract between the municipality and the commission under which the municipality agrees to pay the full cost of labor, materials, and supplies so used in such work. Chert, dirt or gravel taken from county-owned property may be loaded by county equipment and sold to private firms, municipalities or individuals and charges for the material shall be made at current market rates in addition to current market rates for loading. Detailed and accurate records of such work and such sales shall be kept by the commission and together with all other records of the commis-

sion shall be made immediately available to any qualified elector of the county.

Section 11. Effective upon the passage of this act and its becoming law, the Commission on Government and Finance shall make all purchases for all county offices herein named, in the manner herein prescribed, except the effective date for the beginning of purchases by the commission for the office of Sheriff shall be at the expiration of the present term of office of the sheriff or at the beginning of the newly elected sheriff's term of office in January, 1967. All purchases of equipment and supplies required by the respective offices of judge of probate, sheriff, register of circuit court, clerk of the circuit court, tax collector, tax assessor and commission on government and finance, and all purchases of all supplies, materials, appliances, equipment, machinery, tools, lumber, dynamite, grease, gasoline, fuel oil, cylinder oil, motor oil, cement, crushed stone, rock, sand, gravel, asphalt, graders, tractors, trucks, automobiles, rollers, terracing machines, rock crushers, culvert pipe, and all other road machinery, road building appliances, equipment and materials used by any member of the commission in his district, or by the commission as a whole, or by the county, or any officer or agent of the county, except the county board of education, and also supplies of any kind or description, materials, appliances, equipment, fuel and coal for the county courthouse, jail or any other county building and any county offices, shall be made only by purchase order which shall not be valid unless signed by not less than three members of the commission if such purchase shall be in an amount less than \$300, except as otherwise specifically provided in Section 15 of this Act.

Section 12. Any purchase order of \$300 or more shall be made on the basis of competitive bidding in the manner herein prescribed. Such orders of the commission shall specify the article or articles to be purchased, the number of quantity thereof, and shall contain a specification and description thereof sufficient to enable the chairman to give the notice hereinafter required requesting bids for such article or articles. Such purchase orders shall not be valid unless signed by at least four of the five-man commission. Within two days after such order of the commission the chairman shall post upon a bulletin board to be situated immediately inside or outside his office in the courthouse a notice, called a purchase notice, which shall state that the commission has ordered the purchase of the article or articles described in the order of the commission for delivery at a place or places to be specified in said notice, and that sealed bids therefor will be received by the commission during the seven days immediately succeeding, unless the commission in its order provides that a longer time to be specified as the time within which bids will be received. All purchase notices shall be numbered consecutively and shall be made out in duplicate, and one copy thereof shall be retained as a permanent record and shall contain a certificate of the chairman as to the date of the posting of the other copy thereof upon the bulletin board. At the expiration of the time fixed for receiving bids, the chairman shall open the bids and shall report all bids to the commission at its next meeting, and thereupon the commission may either accept the lowest responsible bid and order the chairman to issue a purchase order in accordance therewith or direct the chairman to obtain other and further bids in the same manner hereinabove provided. All sealed bids received by the chairman shall be opened in his office and shall be open to public inspection as opened, and the opening of bids shall commence at 10 o'clock a.m. on the seventh day following the date on which invitations to bid were posted. The names of all bidders, the amounts bid, com-

plete description or itemization of items bid on, and the terms of the bid shall be released as information for publication to all county newspapers. All purchase orders shall be numbered consecutively and shall be made out in triplicate, and shall state the number of the purchase notice pertaining thereto, and shall contain a description of the property to be purchased, the price therefor, the place where delivery is to be made, and such other matter as the commission may prescribe. One copy of said purchase order shall be delivered to the seller and one copy thereof shall be forwarded to the person who in behalf of the county is to receive the property purchased, and the other copy shall be retained with the records of the commission. The person who is to receive the property purchased in behalf of the county shall upon receipt thereof, endorse upon the copy of the purchase order forwarded to him, upon a form to be prescribed by the commission, the facts as to whether or not all of the property described in said purchase order was received by him, and as to the condition in which the same was received, and shall deliver said copy to the chairman within five days after the receipt of the property involved. Every claim filed against the county for the purchase price of value of any of the goods or articles hereinabove specified, shall state the number of the purchase order pertaining to said claim. Neither the chairman nor the commission shall have authority to accept any bid unless at the time of accepting the same the county has funds on hand sufficient to pay for the same.

Section 13. After the effective date of this Act, no lease-sale contract, or contract for the rental or hire of any of the property mentioned in Sections 11 and 12 shall be made by the commission, or any member thereof, unless such contract be authorized by resolution or order of the commission made at a regular meeting of the commission, and entered on its minutes, which resolution or order shall be made only upon the favorable vote of all members of the commission. Such order or resolution of the commission must have been passed before the delivery of the property involved and otherwise shall be void. Any and all lease-sale contracts, or contracts for the rental or hire of any such property, not made in conformity with the foregoing provisions shall be null and void and it shall be unlawful for a warrant to issue in payment of the rental or hire or use thereof and the said County of Marshall shall not be liable in any form of action or suit whatsoever for the rental or hire or use of any of such property except under and by virtue of an express contract made as provided in this section.

Section 14. Gasoline, fuel oil, motor oil, cylinder oil, tires and tubes, food for county prisoners, or either of them, may be purchased in the manner provided in Section 11 of this Act, or the commission may enter into contracts for the purchase of the same, which contracts shall contain such terms as the commission may desire, provided that bids for such contracts shall be procured in the manner provided in Section 12 and the contracts let by the commission to the lowest responsible bidder or bidders. The commission may make one or several contracts for the purchase of said articles for concurrent terms and the member of the commission using or desiring any of such items may order the same from any person with whom the county has entered into a contract for the purchase of the same.

Section 15. Each member of the commission shall have authority in emergencies, and in cases where work on the roads within his district would otherwise be unduly delayed to purchase such materials and equipment as may be needed to properly perform the work on the roads within his district without order of the board, and without

compliance with the provisions of Section 11 of this Act; provided that the cost of any such material or equipment purchased shall be reasonable and shall not exceed the sum of \$100.00 in any instance. Each member of the commission shall likewise have authority to have any road machinery or equipment used on the public roads within his district repaired without an order of the commission authorizing the same, provided that the county shall not be liable in any event for more than the reasonable cost of any such repairs, any agreement of any member of the commission to the contrary notwithstanding. Each member of the commission making a purchase under the provisions of this section shall make out a purchase order in triplicate which shall state the property purchased, the price therefor and from whom purchased, and the number of his district, and all such purchase orders shall be numbered consecutively, and one copy thereof shall be delivered to the seller, one shall be filed with the records of the commission, and one shall be retained by the member of the commission issuing the same, and all claims against the county on account of any such purchase shall state the number of the district for which such property was purchased and the number of the purchasing order pertaining thereto, and all such claims shall be null and void unless such purchase order shall have been duly issued.

Section 16. All laws or parts of laws which conflict with this Act are repealed.

Section 17. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 18. This Act shall not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun, before its effective date.

Section 19. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared F. W. Crowe, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 24, July 1, July 8, and July 15, all in the year 1963.

FORREST W. CROWE,

Sworn to and subscribed before me July 15, 1963.

JESSE A. CULP,
Title Notary Public.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 774, 779, 780, 781, 788, 789, 790, 800, 801 and 802 — to the Committee on Local Legislation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Brown (Jefferson), Rast, Etheredge, Meeks, Dominick, Perry, Bowers, Collins, Bailes, Hawkins, Gilmore, Morrow, Bethea (B), Sessions, and Vacca:

H. 764. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, to authorize and empower the Legislature by general or local laws to fix, regulate, and change the jurisdiction of any or all inferior courts established in lieu of Justices of the Peace in Jefferson County, in all civil cases so long as the amount in controversy does not exceed five hundred dollars, except in cases of libel, slander, assault and battery, and ejectionment; and to ratify, validate, and confirm all acts of the Legislature, whether general or local, providing for such change in jurisdiction prior to the adoption of this amendment, and all judgments of such courts rendered pursuant to such acts.

Also:

By Messrs. Vacca, Sessions, Gilmore, Meeks, Dominick, Bethea (M), Perry, Brown (Jefferson), Bowers, Collins, Bailes, Hawkins, Morrow, Bethea (B):

H. 765. To require the payment to the Sheriff of Jefferson County, Alabama of a fee of Five Dollars (\$5.00) for each pistol permit issued by him; to provide that the Sheriff shall pay the said Five Dollars (\$5.00) to the County Treasurer; to provide that the County Treasurer shall deposit Fifty Cents (50c) of said fee in the General Fund of the County and shall pay Four Dollars and Fifty Cents (\$4.50) of said fee to the Fund of the Retirement System for County Employees of Jefferson County established by Act No. 551 of the Legislature of Alabama of 1953, approved September 9, 1953, (Acts of Alabama, 1953, pages 766, et seq.) so long as the benefits paid under said Act No. 551 are less than the benefits provided for by the schedule of specific benefits stated in said Act; to provide that when the aforesaid Four Dollars and Fifty Cents (\$4.50) of said fee is not paid the said Fund established by Act No. 551 the said Four Dollars and Fifty Cents (\$4.50) shall be paid to the Fund of the Retirement System for County Employees established by Act No. 843 of the Legislature of Alabama of 1961, approved September 8, 1961, (Acts of Alabama of 1961, pages 1250, et seq.); to provide that the collection of said fee shall not commence until Act No. 343 of the Legislature of Alabama of 1953, approved August 7, 1953, (Acts of Alabama of 1953, page 404, et seq.) has been repealed; and to repeal all laws and parts of laws in conflict with this Act.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that at the present session of the Legislature of Alabama application will be made to the Legislature that the following bill be enacted:

A BILL TO BE ENTITLED AN ACT

To require the payment to the sheriff of Jefferson County, Alabama, of a fee of Five Dollars (\$5.00) for each pistol permit issued by him; to provide that the sheriff shall pay the said Five Dollars (\$5.00) to the County Treasurer; to provide that the County Treasurer shall deposit fifty cents (50c) of said fee in the general fund of the County and shall pay four dollars and fifty cents (\$4.50) of said fee to the fund of the retirement system for County employees of Jefferson County established by Act No. 551 of the Legislature of Alabama of 1953, approved September 9, 1953, (acts of Alabama, 1953, pages 766, et seq.) so long as the benefits paid under said act No. 551 are less than the benefits provided for by the schedule of specific benefits stated in said act; to provide that when the aforesaid four dollars and fifty cents (\$4.50) of said fee is not paid the said fund established by Act No. 551 the said four dollars and fifty cents (\$4.50) shall be paid to the fund of the retirement system for County Employees established by Act No. 843 of the Legislature of Alabama of 1961, approved September 8, 1961, (Acts of Alabama of 1961, pages 1250, et seq.); to provide that the collection of said fee shall not commence until Act No. 343 of the Legislature of Alabama of 1953, approved August 7, 1953, (Acts of Alabama of 1953, page 404, et seq.) has been repealed; and to repeal all laws and parts of laws in conflict with this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. In this Act the following words, terms and phrases, wherever used herein, shall have the meanings respectively ascribed to them in this section, unless the context plainly indicates a contrary meaning: (a) "The County" shall mean Jefferson County, Alabama; (b) "The Sheriff" shall mean the Sheriff of Jefferson County, Alabama; (c) "The Treasurer" shall mean the County Treasurer of Jefferson County, Alabama; (d) "Act No. 343" shall mean Act No. 343 of the Legislature of Alabama of 1953, approved August 7, 1953, (Acts of Alabama of 1953, pages 404, et seq.); (e) "Act No. 551" shall mean Act No. 551 of the Legislature of Alabama of 1953, approved September 9, 1953, (Acts of Alabama of 1953, pages 776, et seq.); (f) "Acts No. 843" shall mean Act No. 843 of the Legislature of Alabama of 1961, approved September 8, 1961, (Acts of Alabama of 1961, pages 1250, et seq.).

Section 2. The Sheriff shall collect a fee of Five Dollars (\$5.00) for each pistol permit issued by him. The said fee shall be in addition to any other fees required by law to be charged for the issuance

of a pistol permit. The Sheriff shall pay all such fees to the Treasurer, who shall disburse the said fee as hereinafter prescribed in Section 3.

Section 3. (a) The Treasurer shall pay Fifty Cents (50c) of said fee to the general fund of the County.

(b) So long as the retirement system established by Act No. 551 pays to the beneficiaries of said system benefits which are less than the specific benefits prescribed by said Act, as a consequence of the specific benefits being reduced as provided for by subsection (j) of Section 5 of said Act No. 551, the Treasurer shall pay Four Dollars and Fifty Cents (\$4.50) of the said permit fee into the fund of the retirement system established by said Act No. 551; and the said Four Dollars and Fifty Cents (\$4.50) shall be used in the administration of said last named retirement system. This said subsection (b) shall not apply when the said retirement system established by Act No. 551 is paying the maximum specific benefits prescribed by said Act No. 551.

(c) At any time the Treasurer is not required to pay Four Dollars and Fifty Cents (\$4.50) of the said fee into the fund established by Act No. 551 under subsection (b), above, the Treasurer shall pay the said Four Dollars and Fifty Cents (\$4.50) into the fund of the retirement system established by Act No. 843; and the said Four Dollars and Fifty Cents (\$4.50) shall be used in the administration of said last named retirement system. This subsection (c) shall not apply when the said retirement system established by Act No. 551 is not paying the maximum specific benefits prescribed by said Act No. 551.

Section 4. The permit fee prescribed by this Act shall not be payable until Act No. 343 has been repealed.

Section 5. The provisions of this Act shall be severable and if any of its sections, provisions, sentences, clauses, or phrases are held to be unconstitutional or void, the remainder of this Act shall continue in full force and effect.

Section 6. All laws or parts of laws whether special, general or local in conflict with this Act are hereby expressly repealed.

Section 7. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared Eleanor O. Abercrombie who, being by me first duly sworn, deposes and says that she is the Publisher of Alabama Legal Advertiser, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established in 1918 under the name of Southern Labor Review which said name was changed to Alabama Legal Advertiser on the 5th day of December, 1959, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of June 15, 22, 29, and July 6, 1963, a legal notice, a copy of which is hereto attached.

ELEANOR O. ABERCROMBIE,
Publisher.

Sworn and subscribed to on this the 8 day of July, 1963.

MILDRED M. GRIFFIN,
Notary Public.

Also:

By Messrs. Vacca, Sessions, Gilmore, Meeks, Dominick, Bethea (M), Perry, Brown (Jefferson), Bowers, Collins, Bailes, Hawkins, Locke, Morrow and Bethea (B):

H. 766. To repeal Act No. 343 of the Legislature of Alabama of 1953, approved August 17, 1953 (Acts of Alabama of 1953, page 404, et seq.), and any other Act of the Legislature establishing or providing for any supplemental Retirement Fund for Deputy Sheriffs and other persons employed by the Sheriff in Counties having a population of 400,000 or more according to the last or any future Federal Census, to provide for the liquidation and distribution of any such supplemental retirement fund, to provide for securing in said liquidation and distribution the payment of benefits due or to become due under any such Act and to provide that any surplus in such Fund shall be paid into the Fund of the Pension System of the General Employees of the County to which system the said Deputy Sheriffs and other Employees belonged prior to retirement.

Also:

By Messrs. Rast, Brown (Jefferson), Etheredge, Meeks, Dominick, Bethea (M), Perry, Bowers, Collins, Bailes, Locke, Morrow, Bethea (B), Sessions, Vacca and Gilmore:

H. 767. To apply in those counties having a population of not less than 500,000 according to the latest or any subsequent Federal decennial census and to further provide for municipal tax assessments for property annexed to municipalities in such counties, and in newly incorporated areas.

Also:

By Messrs. Perry, Rast, Etheredge, Brown (Jefferson), Meeks, Dominick, Locke, Bowers, Morrow, Sessions, Vacca, Gilmore and Collins:

H. 769. To further amend Sections 3, 7 and 9 of Act No. 843 of the Regular Session of the Legislature of Alabama of 1961, approved September 8, 1961.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the present session of the Legislature of Alabama application will be made to the Legislature that the following bill be enacted:

A BILL
TO BE ENTITLED
AN ACT

To further amend Sections 3, 7 and 9 of Act No. 843 of the Regular Session of the Legislature of Alabama of 1961, approved September 8, 1961.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 843 of the Regular Session of the Legislature of Alabama of 1961 approved September 8, 1961, is further amended to read as follows:

"Section 3. (a) "Present Employees": Any person who is an employee or officer of Jefferson County on the date of establishment of this General Retirement System shall, except as hereinafter provided, be eligible for membership and shall become a member as of such date unless within a period of thirty (30) days thereafter he files with the Board on a blank provided by the personnel director or by the Board for that purpose, an election not to become a member, such election to be irrevocable. Provided, however, any employee who was an employee on December 1, 1961, and who was over the age of 55 years on December 1st, 1961, and who elected not to become a member shall now be eligible for membership and shall become a member as of December 1st, 1963, provided that within a period of 30 days after December 1st, 1963, he files with the Board on a blank provided by the personnel director or by the Board for that purpose, an election to become a member, such election to be irrevocable. (b) "Members of Existing Retirement System"; All employees who have become members of a retirement system under said Act No. 551 of September 9, 1953, shall not be permitted to become members under the present act. (c) "Future Employees": Any person who becomes an officer or an employee after the retirement system under the present act is established shall not be required to become a member during the first two years he serves as an officer or an employee; and any person who becomes an officer or an employee after the establishment of the said system shall become a member thereof commencing the first calendar month subsequent to the second anniversary of his becoming an officer or an employee, unless some provision hereof declares that he is ineligible for membership in the said system. Any person who has become an officer or an employee after the date of the establishment of said retirement system and prior to the effective date of this sentence may elect to become a member of the said system by filing with the personnel director an election to do so within thirty days from the effective date of this sentence on a form provided by the personnel director for that purpose; and any person who becomes an officer or employee after the effective date of this sentence may become a member of the said system by filing with the personnel director within thirty days after he becomes an officer or employee an election to become a member thereof on a form provided by the personnel director; provided, however, that no person whose employment is "temporary," as defined by any merit system in operation in the said county, shall be eligible for membership during the period of such temporary employment. Upon any such officer or employee making such election, he shall become a member of the said pension system commencing on the first day of the calendar month next following that month in which his election is filed with the personnel director; and the election shall be irrevocable. (d) "Report of County Officials": It shall be the

duty of the county personnel board, the head of each agency of the county government employing persons who are members or are entitled to become members, to submit to the board such statements as the board shall require as to the name, title, compensation, duties, date of birth, and length of service of each such person employed by such agency.

Section 2. Section 7 of Act No. 843 of the Regular Session of the Legislature of Alabama of 1961, approved September 8, 1961, is amended to read as follows:

"Section 7. "Investment of Funds": The Pension Board shall invest the funds of the retirement system not currently needed, in bonds of the United States Government, or general obligation bonds of the State of Alabama, or general obligation bonds or warrants of the county or in Federal Savings and Loan Associations, or in other corporations having Federal Savings and Loan Associations guarantee, but shall not invest more than \$10,000.00 in any such association or corporation, or in Savings Accounts, including Certificates of Deposits, in Banks which are members of the Federal Deposit Insurance Corporation and any amount invested in such Savings Accounts or Certificates of Deposit shall be collaterally secured by such Bank depositing with the County Treasurer bonds of the State of Alabama or bonds of the United States of America in a like amount to be held as security for such Savings Accounts or Certificates of Deposit."

Section 3. Section 9 of Act No. 843 of the Regular Session of the Legislature of Alabama of 1961, approved September 8, 1961, is amended to read as follows:

"Section 9. "Retirement for Superannuation": (a) Requirements: Whenever any person who is a member of the retirement system has made contributions to the system for a period of not less than ten years and has attained the age of sixty years, he shall be eligible for retirement for superannuation but such retirement shall not be compulsory. Provided, however, that any member who has attained the age of 55 years on January 1st, 1962, and has made contributions to the system for a period of not less than five years and has attained the age of sixty years shall be eligible for retirement for superannuation but such retirement shall not be compulsory. Any member shall be eligible for retirement for superannuation upon the completion of thirty or more years of service; provided, however, that if at the time of retirement such member has not attained the age of sixty years, the amount of his monthly pension, computed in accordance with the formulas set forth in sub-section (b) hereof, shall be reduced in the amount hereinafter provided in sub-section (2) hereof. Any member who is eligible for retirement, and who desires to retire, shall be granted the benefits herein provided for upon a written application by himself or, in the event he is mentally or physically incapacitated, by someone acting in his behalf, such application to be filed in the office of the Board. (b) Benefits: Upon retirement, if such member is then age sixty or has previously attained his sixtieth birthday, he shall receive a monthly pension for the remainder of his life to be determined by the formula:

(1) One and three-fourth per cent ($1\frac{3}{4}\%$) of his average monthly rate of compensation for the sixty months immediately preceding his retirement date multiplied by the number of years of his creditable service as shall not exceed twenty years; provided further, that no

part of any monthly compensation in excess of Four Hundred Dollars (\$400) shall be considered in determining "Average monthly rate of compensation"; plus

(ii) One per cent (1%) of his Final Average Monthly Compensation multiplied by the number of years of his creditable service as may exceed twenty years; provided that no part of any monthly compensation in excess of Four Hundred Dollars (\$400) shall be considered in determining "Final Average Monthly Compensation for the purposes of this sub-section.

(1) In computing the amount of benefits under the foregoing formula, the Board may disregard a fractional part of a year of creditable service less than one-twelfth.

(2) If such member shall have completed at least thirty years creditable service prior to retirement but shall not have attained his sixtieth birthday on or before his date of retirement, he shall receive a monthly pension payable for the remainder of his life to be determined by multiplying the monthly pension determined in accordance with the formula set forth in sub-section (b) hereof by the percentage factor shown in the following schedule corresponding to the age of such member on his last birthday preceding the date of retirement.

Age of Member on Last Birthday Pre- ceding Retirement	Reduced Pension on Account of Retirement before Age 60 Expressed as a Per- centage of the Pen- sion Which Would Have Been Payable at Date of Retirement if the Member were Then Age 60.
59	93%
58	87
57	82
56	77
55	72
54	68
53	64
52	60
51	57
50	54
49	51
48	48

Section 4: This act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared Eleanor O. Abercrombie who, being by me first duly sworn, deposes and says that she is the Publisher of Alabama Legal Advertiser, a weekly newspaper of general circu-

lation published in Jefferson County, Alabama, which was established in 1918 under the name of Southern Labor Review which said name was changed to Alabama Legal Advertiser on the 5th day of December, 1959, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of June 22, 29, July 6, 13, 1963 a legal notice, a copy of which is hereto attached.

ELEANOR O. ABERCROMBIE,
Publisher.

Sworn and subscribed to on this the 15 day of July, 1963.

MILDRED M. GRIFFIN,
Notary Public.

Also:

By Messrs. Engel, McDermott, Hogan, Rogers, Edington, Downing and Smith:

H. 805. Relating to Mobile County; authorizing the Board of School Commissioners to provide insurance against loss or damage by fire, lightning, windstorm, hail, or other peril for any or all school buildings and property, equipment, furniture or supplies belonging to such buildings or stored therein which are used or held in trust for school purposes, either in an insurance company chosen by the Board or in the State Insurance Fund.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Pursuant to constitutional requirement, notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama, for the purpose of authorizing the Board of School Commissioners of Mobile County to provide insurance against loss or damage by fire, lightning, windstorm, hail, or other peril, for any or all school buildings and property, equipment, furniture or supplies belonging to such buildings or stored therein which are used or held in trust for school purposes, either in an insurance company chosen by the Board or in the State Insurance Fund.

W. F. Egan being sworn, says that he is comptroller of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and the attached notice appeared in the issue of The Mobile Register May 23, 30; June 6, 13, 1963.

W. F. EGAN,

Sworn to and subscribed before me this 18th day of June, 1963.

EDWIN LEE PERKINS,
Notary Public.

Also:

By Messrs. Engel, McDermott, Hogan, Rogers, Edington, Downing and Smith:

H. 806. To amend an Act of the General Assembly of Alabama

approved February 15, 1876 and entitled "An Act to regulate public schools in the County of Mobile" as last amended by Act of the Legislature of Alabama approved September 19, 1947, by (1) amending that portion of Section 5 of the Act restricting the expenditure of money to purchase or lease property for school purposes necessary for the proper accommodation and comfort of pupils and teachers and for the compensation and bonds of the officers, agents and employees of the Board, to twenty per centum (20%) of the income of the said Board, exclusive of the amounts derived from the State Educational Fund by eliminating the exclusion from the income of the Board, the amounts derived from the State Educational fund; and by specifically exempting from the 20% limitation sums expended for constructing, furnishing and equipping of school buildings; (2) and by amending Section 5 of said Act by including specifically in the powers of the Board of School Commissioners of Mobile County, the power to invest, in obligations of the United States of America, whether interest-bearing obligations or obligations purchased at discount, moneys in the hands of the Board accumulated from any source, whether from sale of warrants or otherwise, and held in advance of expenditure by the Board in the conduct and performance of its duties and functions.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

NOTICE

To Whom It May Concern:

Notice is hereby given that at the present session of the Legislature of the State of Alabama, a Bill will be introduced to amend Act of the General Assembly of Alabama approved February 15, 1876 and entitled "An Act to Regulate Public Schools in the County of Mobile," as last amended by Act of Legislature of Alabama, approved September 19, 1947, by (1) Amending that portion of the Act restricting the expenditure of money to purchase or lease property for school purposes necessary for the proper accommodation and comfort of pupils and teachers and for the compensation and bonds of the officers, agents and employes of the Board, to twenty per centum (20 per cent) of the income of the said Board exclusive of the amount derived from the State Educational Fund, by eliminating the exclusion from the income of the Board the amount derived from the State Educational Fund; and by specifically exempting from the 20 per cent limitation, sums expended from constructing, furnishing and equipping of school buildings; and (2) by amending said Section 5 of said Act to include specifically within the powers of the Board of School Commissioners of Mobile County, the power, in the exercise of reasonable prudence, to invest funds, derived from the sale of capital outlay warrants and held pending the expenditure thereof for the contemplated capital improvements, and funds from any other source accumulated and held in advance of expenditures, in the operation of the public schools of the County, in obligations of the United States of America, whether interest-bearing obligations or obligation purchased at discount.

C. R. Willisson being sworn, says that he is Office Manager of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama: and

the attached notice appeared in the issue of The Mobile Register May 23, 30; June 6, 13, 1963.

C. R. WILLISSON,

Sworn to and subscribed before me this 1 day of July, 1963.

EDWIN LEE PERKINS,
Notary Public.

Also:

By Messrs. Engel and Rogers:

H. 809. To further amend Section four (4) of an Act of the Legislature approved March 23, 1955, entitled: An Act: To establish in Mobile County, Alabama, the positions of Administrative Assistant to the Circuit Solicitor of the Thirteenth Judicial Circuit of Alabama and Legal Stenographer to the Circuit Solicitor of the Thirteenth Judicial Circuit of Alabama; to prescribe their duties; to fix their term of employment and to prescribe their compensation out of the General Fund of Mobile County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF MOBILE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To further amend Section four (4) of an Act of the Legislature approved March 23, 1955, entitled: An Act, to establish in Mobile County, Alabama, the positions of Administrative Assistant to the Circuit Solicitor of the Thirteenth Judicial Circuit of Alabama and Legal Stenographer to the Circuit Solicitor of the Thirteenth Judicial Circuit of Alabama; to prescribe their duties; to fix their term of employment and to prescribe their compensation out of the General Fund of Mobile County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section four (4) of an Act of the Legislature approved March 23, 1955, entitled: An Act, To establish in Mobile County, Alabama, the positions of Administrative Assistant to the Circuit Solicitor of the Thirteenth Judicial Circuit of Alabama, and Legal Stenographer to the Circuit Solicitor of the Thirteenth Judicial Circuit of Alabama; to prescribe their duties; to fix their term of employment and to prescribe their compensation and provide for the payment of their compensation out of the General Fund of Mobile County, Alabama, is amended to read as follows:

Section 4. The Administrative Assistant to the Circuit Solicitor shall receive as compensation for such services the sum of not less than forty-eight hundred dollars annually and not more than six thousand six hundred dollars annually, the amount to be fixed by

the Circuit Solicitor and the Legal Stenographer to the Circuit Solicitor shall receive as compensation for such services the sum of not less than thirty-six hundred dollars annually and not more than forty-eight hundred dollars annually, the amount to be fixed by the Circuit Solicitor, payable in equal monthly installments out of the General Fund of Mobile County, Alabama.

Section 2. This Act shall become effective on the first day of the month following its passage and approval by the Governor or upon its otherwise becoming a law.

W. F. Egan being sworn, says that he is comptroller of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and the attached notice appeared in the issue of The Mobile Register June 12, 19, 26; July 3, 1963.

WILLIAM F. EGAN,

Sworn to and subscribed before me this 3 day of July, 1963.

EDWIN LEE PERKINS,
Notary Public.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 764, 765, 766, 767, 769, 805, 806 and 809 — to the Committee on Local Legislation

(The above-numbered Bill, H. B. 764, was read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. McDermott and Engel:

H. 810. To amend and reenact an Act relating to appeals by and on behalf of counties classified according to population, to extend the applicability of the Act.

Also:

By Messrs. McDermott and Engel:

H. 811. Relating to elections; authorizing the court of county commissioners, board of revenue or like governing body of certain counties classified according to population to adopt and prescribe the number of voters to be assigned to voting machines on the basis of

the type of election held and probable voter participation in such elections.

Also:

By Mr. Engel:

H. 813. To amend Code of Alabama 1940, Title 62, Section 114, in relation to the county and city of Mobile and the appointment of humane officers.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

A BILL
TO BE ENTITLED
AN ACT

STATE OF ALABAMA
COUNTY OF MOBILE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Code of Alabama 1940, Title 62, Section 114, in relation to the county and city of Mobile and the appointment of humane officers.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 62, Section 114 is hereby amended to read as follows:

"Section 114. The county and city of Mobile shall each have and select a humane officer subject to the civil service system law and rules and regulations of the merit system applicable to the county and city. The compensation of each of such officers shall be fixed and determined in accordance with the pay plan of the county and city personnel board; the salary of the humane officer appointed by the city shall be paid by the city, and the compensation of the county humane officer shall be paid by the county. Also, each officer shall be provided an automobile by the city and county respectively, for his use in the performance of his duties. It shall be the duty of the humane officer to give first aid treatment to all sick and injured animals within his territory, without charge, when called upon for said service by a citizen, and he shall perform such other duties as may be required of him by law, or required of him by any organization or society under the law. He shall also act in cooperation with the federal and state authorities in the enforcement of all tick eradication laws or regulations in force in Mobile County or City, as the case may be."

Section 2. This Act shall take effect on the first day of the month next following the date of its enactment.

C. R. Willisson being sworn, says that he is Office Manager of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register June 24; July 1, 8, 15, 1963.

C. R. WILLISSON,

Sworn to and subscribed before me this 15 day of July, 1963.

EDWIN LEE PERKINS,
Notary Public.

Also:

By Messrs. McDermott, Hogan and Engel:

H. 818. To apply only in counties in the state having a population of not less than 300,000 nor more than 500,000 inhabitants, according to the last or any subsequent federal decennial census, wherein the use of voting machines has been, or shall be, authorized; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

Also:

By Messrs. McDermott, Engel, Downing and Smith:

H. 392. To propose an amendment to the Constitution of Alabama authorizing the municipalities of Mobile County to incur indebtedness in amounts not to exceed ten percentum of the assessed valuation of the property therein.

Also:

By Mr. Campbell (Jackson):

H. 485. To provide expense allowance to circuit solicitors in judicial circuits composed of three or more counties in addition to those expenses now allowed by law.

Also:

By Mr. Campbell (Jackson):

H. 486. To provide expense allowance to circuit court judges in judicial circuits composed of three or more counties in addition to those expenses now allowed by law.

Also:

By Messrs. Goodwyn and Pierce:

H. 580. To fix the compensation of the judge of probate of all

counties having a population of not less than 160,000 nor more than 300,000 according to the last or any subsequent federal decennial census, and to regulate the payment of same, and to require the judge of probate to pay into the County Treasury of said county all costs and charges of Court, Fees and Commission authorized by law to be collected by said judge of probate as other moneys belonging to said county are paid.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 810, 811, 813, 818, 392, 485, 486 and 580 — to the Committee on Local Legislation

(The above-numbered Bill, H. B. 392, was read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Burns, Nabors and Owens:

H. 747. Relating to the sixteenth judicial circuit of Alabama; prescribing a rule of procedure for the circuit courts therein.

Also:

By Messrs. Burns, Nabors and Owens:

H. 748. Relating to counties having populations of not less than 96,000 nor more than 106,000; authorizing certain teachers in the public schools who are over age seventy to be continued in service; and prescribing conditions for their continued employment.

Also:

By Messrs. Nabors, Owens and Burns:

H. 752. To amend Section 2 of Act No. 412, H. 878, Regular Session 1961 (Acts 1961, p. 429), relating to certain county officers in counties classified according to population.

Also:

By Mr. Stembridge:

H. 759. Relating to counties having populations of not less than

50,000 nor more than 54,000; providing expense allowances for members of the court of county commissioners, board of revenue, or other like county governing body.

Also:

By Mr. Campbell (Jackson):

H. 760. To alter, rearrange and extend the boundary lines and corporate limits of the City of Scottsboro, in Jackson County, Alabama, and to prescribe the time when this Act shall become effective.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

An Act to alter, rearrange and extend the boundary lines and corporate limits of the City of Scottsboro, in Jackson County, Alabama and to prescribe the time when this Act shall become effective:

Pursuant to the requirements of the Constitution and Laws of the State of Alabama, notice is hereby given of the intention to apply to the Legislature of the State of Alabama at its present, next, or subsequent regular or special session for the passage of a local law, which said local law will alter, rearrange and extend the boundary lines and corporate limits of the City of Scottsboro in Jackson County, Alabama, which local law is to be in substance as follows:

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Scottsboro, in the County of Jackson, State of Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City of Scottsboro all of the territory lying within the County of Jackson included within the following boundaries namely:

Beginning at the Northeast corner of Section 20, Township 4 South, Range 6 East, and run West along the North boundary of Sections 20 and 19 of Township 4 South, Range 6 East, and the North boundary of Section 24, Township 4 South, Range 5 East, and to the Northwest corner of said Section 24; thence West along the North right of way line of the Old Larkinsville Road to the intersection with the East edge of what is known as Staples Lane; thence North along the East side of Staples Lane to a point opposite the Northeast corner of the Southwest quarter of the Southeast quarter of Section 14, Township 4 South, Range 5 East; thence West to the Northwest corner of the Southwest quarter of the Southeast quarter of Section 14, Township 4 South, Range 5 East; thence South along the North and South half section lines of Section 14 and Section 23; Township 4 South, Range 5 East, and to the point where the North and South half section line of Section 23 intersects the South right of way of the Lee Highway or U. S. Highway No. 72; thence East along the southern right of way of the Lee Highway, or U. S. Highway No. 72 to the point where said Southern right of way of said Highway intersects the west boundary of the East half of the Southeast quarter of said Section 23; thence South along the West boundary of the East half of the Southeast quarter of Section 23, and to the Southwest corner of the Southeast quarter of the South-

east quarter of said Section 23; thence East along the South boundary of said Section 23 and the South boundary of Section 24, Township 4 South, Range 5 East and to the Northwest corner of the East half of the East half of the West half of the Northwest quarter of Section 25; Township 4 South of Range 5 East; thence South along the West boundary of the East half of the East half of the West half of the Northwest quarter of Section 25, Township 4 South of Range 5 East to the South boundary of the Northwest quarter of Section 25, Township 4 South of Range 5 East; thence East along the South boundary of the Northwest quarter of Section 25, Township 4 South of Range 5 East to the Southeast corner of the Northwest quarter of Section 25, Township 4 South of Range 5 East; thence South along the West boundary of the East half of Section 25 and the West boundary of the East half of Section 36, Township 4 South, Range 5 East, to the Southwest corner of the Southeast quarter of said Section 36; thence East along the South boundary of said Section to the Northwest corner of the Northeast quarter of the Northeast quarter of Section 1, Township 5 South, Range 5 East, at which there is a corner of the T. V. A. land, marked by a T. V. A. Marker No. 160; thence South 0 degrees 56' West 619 feet to T. V. A. Marker No. 159; thence North 88 degrees 57' East with the T. V. A. line to a corner on the East boundary of Section 1, Township 5 South, Range 5 East at which there is a T. V. A. Marker No. 158; thence continue with the T. V. A. boundary North 57 degrees 49' East to a corner on the North boundary of Section 6, Township 5 South, Range 6 East at which there is a T. V. A. Marker No. 43; thence East with the South boundary of Section 31, Township 4 South Range 6 East to a corner with the original T. V. A. lands at which was originally T. V. A. Marker No. 44; thence North with the original T. V. A. Severance Line to a corner at the Northeast corner of the Southwest quarter of the Southwest quarter of Section 31, Township 4 South, Range 6 East; thence Northeast to a point on the North boundary of Section 32, Township 4 South, Range 6 East, at the Northeast corner of the Northwest quarter of the Northwest quarter of Section 32, Township 4 South, Range 6 East; thence East along the South boundary of Section 29 and Section 28, Township 4 South, Range 6 East to a corner at the Southeast corner of the Randall's Chapel Church Property, at which was originally T. V. A. Monument No. 16-A; thence North with the West right of way of a road which enters the Scottsboro-Fort Payne-Highway at said Randall's Chapel to the point where said road intersects the North boundary of the Southwest quarter of said Section 28; thence West with the North boundary of the Southwest quarter of said Section 28; Township 4 South, Range 6 East to the Northwest corner thereof; thence North to the Northeast corner of Section 29, Township 4 South, Range 6 East; Thence Northeast to the Southeast corner of the Northwest quarter of Section 21, Township 4, South Range 6 East; thence North along the East boundary of the Northwest quarter of said Section 21, Township 4 South, Range 6 East, and the East boundary of the Southwest quarter of Section 16, Township 4 South, Range 6 East to the point where the East boundary of the Southwest quarter of Section 16 intersects the Northwest right of way of the Lee Highway, or U. S. Highway No. 72; thence Southwest to the Southwest corner of said Section 16 and to the beginning corner.

Section 2. That all laws and parts of law general, special and local, in conflict with this Act, be and the same are hereby repealed.

Section 3. That this Act shall go into effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
JACKSON COUNTY

Before me, the undersigned authority in and for said County and State, this day personally appeared Fred Buchheit, who, being by me first duly sworn, deposes and says that during the times herein mentioned, he was publisher, editor of the Sentinel-Age, a newspaper of general circulation published in Jackson County, Alabama and that the notice attached hereto was published in said newspaper once a week for four consecutive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 23, June 30, July 7, and July 14, all in the year 1963.

FRED J. BUCHHEIT,
Publisher, Editor.

Sworn to and subscribed before me this the 15 day of July, 1963.

EVELYN TUBBS,
Notary Public.

Also:

By Mr. Moore:

H. 776. To repeal an act entitled "An Act, relating to Lawrence County, providing for a Fine and Forfeiture Fund in the County Treasury and for the use thereof, repealing Act No. 362, H. 471, Regular Session 1961 (Acts 1961, Vol. 1, page 381), an act abolishing the Fine and Forfeiture Fund of the County."

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF LAWRENCE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To repeal an act entitled "An Act, relating to Lawrence County, providing for a Fine and Forfeiture Fund in the County Treasury and for the use thereof, repealing Act No. 362, H. 471, Regular Session 1961 (Acts 1961, Vol. 1, page 381), an act abolishing the Fine and Forfeiture Fund of the County."

Be It Enacted by the Legislature of Alabama:

Section 1. That an act entitled "An Act, relating to Lawrence County, providing for a Fine and Forfeiture Fund in the County Treasury and for the use thereof, repealing Act No. 362, H. 471, Regular Session 1961 (Acts 1961, Vol. 1, Page 381), an act abolishing the Fine and Forfeiture Fund of the County," approved March 8,

1963, Act No. 35 of the 1963 Special Session of the Legislature, be and the same is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LAWRENCE

Before me, the undersigned authority in and for said county in said State, this day personally appeared Arthur F. Slaton, WHO BEING BY ME FIRST DULY SWORN, deposes and says that during the times herein mentioned he was Publisher of the The Moulton Advertiser, a newspaper of general circulation published in Lawrence County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the state of Alabama, said notice having appeared in the issues of said paper on June 6, June 13, June 20, AND June 27, all in the year 1963.

ARTHUR F. SLATON,

Sworn to and subscribed before me this 8 day of July, 1963.

R. E. PROCTOR,
Title—Notary Public.

Also:

By Mr. Moore:

H. 777. Relating to Lawrence County, providing for a Fine and Forfeiture Fund in the County Treasury and for the use thereof, repealing Act No. 362, H. 741, Regular Session 1961 (Acts 1961, Vol. 1, page 381), an act abolishing the Fine and Forfeiture Fund of the County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF LAWRENCE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Lawrence County, providing for a Fine and Forfeiture Fund in the County Treasury and for the use thereof, repealing Act No. 362, H. 741, Regular Session 1961 (Acts 1961, Vol. 1, Page 381), an act abolishing the Fine and Forfeiture Fund of the County.

Be It Enacted by the Legislature of Alabama:

Section 1. That an act entitled "An Act relating to Lawrence County abolishing the Fine and Forfeiture Fund of Lawrence County, and providing that all monies now in the Fine and Forfeiture Fund or hereafter collected for such fund shall be paid into the general fund of such county and that all claims due or to become due from the Fine and Forfeiture Fund shall be paid from the general fund of the county; providing that witness certificates obtained as a state's witness before the grand jury or the circuit court, county court or other inferior court in which a criminal prosecution is pending shall be paid from the general fund on presentation; providing that all monies now held or hereafter collected as witness fees for state's witnesses in the circuit court, county court or other inferior court shall be paid on collection into the general fund of the county," approved August 7, 1961, be and the same is hereby expressly repealed.

Section 2. That after the passage and approval of this Act all fines and forfeitures imposed by the Courts in Lawrence County shall be paid in money, and shall go into the County Treasury in such a fund to be known as the Fine and Forfeiture Fund.

Section 3. Whenever there is a surplus of funds arising from the fines and forfeitures in the County Treasury over and above the amount required to pay registered claims of State Witnesses, the surplus may be used to pay officers in the manner prescribed by Title 15, Chapter 19, Code of Alabama 1940.

Section 4. That all witness claims accrued under the provisions of Act No. 362, H. 471, that have been registered against the general fund, are hereby transferred in the order of their registration as claimed against the Fine and Forfeiture Fund hereby created. No witness fees shall be registered against or paid out of the general fund after the passage and approval of this Act.

Section 5. That all claims of fees of officers accrued under the provisions of Act No. 362, H. 471, that have been registered against the general fund, are hereby transferred in the order of their registration as claimed against the Fine and Forfeiture Fund hereby created. No fees of officers shall be registered against or paid out of the general fund after the passage and approval of this Act.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF LAWRENCE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Arthur F. Slaton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the The Moulton Advertiser, a newspaper of general circulation published in Lawrence County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 6, June 13, June 20, and June 27, all in the year 1963.

ARTHUR F. SLATON,

Sworn to and subscribed before me July 8, 1963.

R. E. PROCTOR,
Title Notary Public.

Also:

By Messrs. Camp and Bolton:

H. 848. To make it lawful for any person, or persons, to use stationary fish traps with wooden fingers or slats not less than one and one-half inches apart for the purpose of taking or catching commercial or non-game fish in that part of any river that lies within counties in Alabama having a population not less than 65,000 nor more than 95,000 according to the last or any subsequent federal census; and to further regulate the operation of such traps.

Also:

By Messrs. Bolton and Camp:

H. 849. To create and establish in Talladega County a county court of limited jurisdiction of criminal, civil cases at law and juvenile cases, composed of two divisions, a Northern Division and a Southern Division, to be known as the "County Court of Talladega County", Northern Division and Southern Division, and abolish the Intermediate Court of Talladega County created by Act 733, H. 1077, approved September 5, 1951 (Acts of 1951, page 1281), and also the Civil and Misdemeanors Court of South Talladega County, created by Act 109, S. 37, approved August 24, 1959 (Acts of 1959, page 330); providing for its officers and their term, powers, duties, compensation and method of selection; prescribing its jurisdiction; regulating its procedure and process; providing for the return of warrants thereto, including all warrants for the violation of the rules of the road and similar offenses; fixing the costs, charges and commissions collectible in the court; providing for appeals from the court; providing for the transfer to the court of all cases pending in and judgments rendered by the Intermediate Court of Talladega County and the Civil and Misdemeanors Court of South Talladega County.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

A BILL TO BE ENTITLED AN ACT

To create and establish in Talladega County a county court of limited jurisdiction of criminal, civil cases at law and juvenile cases, composed of two divisions, a Northern Division and a Southern Division, to be known as the "County Court of Talladega County", Northern Division and Southern Division, and abolish the Intermediate Court of Talladega County created by Act 733, H. 1077, approved September 5, 1951 (Acts of 1951, page 1281), and also the Civil and Misdemeanors Court of South Talladega County created by Act 109, S. 37, approved August 24, 1959 (Acts of 1959, page 330); providing for

its officers and their terms, powers, duties, compensation and method of selection; prescribing its jurisdiction; regulating its procedure and process; providing for the return of warrants thereto, including all warrants for the violation of the rules of the road and similar offenses; fixing the costs, charges and commissions collectible in the court; providing for appeals from the court; providing for the transfer to the court of all cases pending in and judgments rendered by the Intermediate Court of Talladega County and the Civil and Misdemeanors Court of South Talladega County.

Be It Enacted by the Legislature of Alabama:

Section 1. County Court Created. — There is hereby created and established in Talladega County a county court of limited jurisdiction in criminal cases, civil cases at law and juvenile cases, which shall be known as the "County Court of Talladega County," Northern Division and Southern Division, with the jurisdiction of the Northern Division being in Beats 1, 2, 3, 4, 5, 7, 14, 16, 17 and 18, and with the jurisdiction of the Southern Division being in Beats 9, 10, 11, 12 and 13. Both divisions shall have concurrent jurisdiction in Beats 6 and 8. If an action is improperly brought in either division, the case shall be transferred to the proper division in the same way that cases are transferred under Act No. 76, S. 61, Special Session 1961 (Acts 1961, v. 2, p. 1953) when a plea in abatement as to venue is sustained. The court hereby created shall be in lieu of the Intermediate Court of Talladega County, created under Act 733, H. 1077, approved September 5, 1951 (Acts of 1951, page 1281), and the Civil and Misdemeanors Court of South Talladega County, created by Act No. 109, S. 37, approved August 24, 1959 (Acts of 1959, page 330), both courts which are hereby abolished.

Section 2. Jurisdiction — (a) Except as provided in subsection (b) following, the court shall have the power to exercise jurisdiction in all actions, causes, matters, proceedings and cases (including bastardy proceedings, actions for unlawful detainer and for the recovery of possession of land, except actions in ejectment or actions in the nature of ejectment), cognizable before a county court or juvenile court or justices of the peace, or courts created in lieu thereof, and all courts of like jurisdiction. It shall have the authority to punish contempt by fines not exceeding fifty dollars (\$50.00), and imprisonment not exceeding five (5) days. It may adopt and enforce rules and regulations relative to pleading, procedure and practice, provided such rules and regulations are not contrary to the Constitution and statutes of the State and law-made rules governing the practices and procedures of courts of record.

(b) The court shall not have power to try persons charged with felonies. It shall not have jurisdiction of any civil action when matter or sum in controversy exceed seven hundred fifty dollars (\$750.00), exclusive of interest and court cost, nor take cognizance of any matter or proceeding in equity.

Section 3. Judges. — (a) The judge who was elected and is serving when this Act becomes effective, being Otis R. Burton, Jr., as Judge of the Intermediate Court of Talladega County, which is hereby abolished, shall be the first Judge of the Northern Division of the court hereby established, and Wesley R. Smith, who was elected and is serving when this Act becomes effective as Judge of the Civil and Misdemeanors Court of South Talladega County, which is hereby abolished, shall be the Judge of the Southern Division of the court hereby established, and both of said Judges shall hold

office for the remainder of the term to which they were elected as judges of the abolished courts and until their successors are elected, as hereinafter provided.

(b) At the general election of 1964, and every six (6) years thereafter, a judge for the Northern Division of said court shall be elected by the qualified electors of Beats 1, 2, 3, 4, 5, 7, 14, 16, 17 and 18, and Beats 6 and 8, of Talladega County, Alabama, and a judge for the Southern Division of said court shall be elected by the qualified electors of Beats 9, 10, 11, 12 and 13, and Beats 6 and 8, of Talladega County, Alabama. Their terms shall be for six (6) years from the first Monday after the second Tuesday in January next succeeding their election and until their successors are elected and qualified.

(c) The judges shall, before entering upon the discharge of the duties of office, take the oath prescribed by Section 279 of the Constitution. They may be removed from office for any cause enumerated in Section 173 of the Constitution, in the manner provided by law. No person shall be eligible for the office of judge unless he is, at the time of his appointment or election, at least twenty-eight (28) years of age, a resident of the territorial jurisdiction of the division of the court, learned in the law, a qualified elector of Talladega County, and licensed to practice law in this State. Neither the judges nor their partners shall practice law in any criminal case or juvenile case in any court in Talladega County, nor shall they appear as counsel in any case in Talladega County in which the amount involved is seven hundred fifty dollars (\$750.00), or less, exclusive of interest, and the judges shall be subjected to the same penalties and obligations as circuit judges. Any vacancy occurring in the office of the judge shall be filled by appointment, as provided in Section 158 of the Constitution.

(d) The judges shall receive an annual salary of six thousand dollars (\$6,000.00) each, payable out of the general fund of the county, in equal monthly installments, as the salaries of other county officers are paid.

(e) The judges shall have the authority to: (1) administer oaths and take acknowledgements; (2) solemnize marriages; (3) issue search warrants; and (4) exercise such other powers, jurisdiction or authority as may be conferred by law upon judges of juvenile and county courts and justices of the peace, including that of magistrates on preliminary examination.

(f) The judge of the Northern Division of said court shall maintain an office at such place as may be provided by the governing body of Talladega County, Alabama, except that he shall not have an office in the Talladega County Courthouse. The judge of the Southern Division of said court shall maintain an office in the County Building at Sylacauga or such other place as may be provided by the governing body of the county. Both offices shall be suitably equipped, furnished and provided, at the expense of the county, with such office supplies and equipment as stationery, stamps, furniture, fixtures, telephone service and other equipment and materials as may be necessary for the transaction of the business of the court.

Section 4. Sessions. — (a) Both divisions of the County Court of Talladega County shall be open for the transaction of any and all business or judicial proceedings of every kind within its jurisdiction at all times.

(b) Sessions of the court for the Northern Division shall be held at the County Courthouse, and sessions for the Southern Division shall be held at the County Building at Sylacauga, Alabama, or at such other places within the court's jurisdiction as may be designated by the judge of said division. The judge of each division shall hold at least two (2) criminal sessions and two (2) civil sessions of court each month, the regular criminal sessions for the Northern Division to be held on the first and third Mondays in each month, and the criminal sessions for the Southern Division to be held on Fridays after the first and third Mondays in each month.

(c) All writs and processes of the court shall be executed by the sheriff or his deputies. The sheriff shall attend the sessions of the court in person or by deputy.

Section 5. Practice and Procedure. — (a) Except as otherwise provided in this Act, the practice, procedure and process of the court as to parties, trial, competency of witnesses, admissibility of evidence, the taking of depositions, the filing of interrogatories to opposing parties, regulation of suits and the time within which suits may be brought shall be governed by the statutes and rules of practice, procedure and process governing the circuit courts.

(b) The civil actions at law when the summons, writ of attachment, summons and complaints in attachment, or other process has been executed on the defendant, or service perfected on him as required by law, the defendant shall appear and plead, answer or demur thereto within ten (10) days, and the process issued shall so recite.

Section 6. Costs. — (a) For their attendance upon the court, witnesses shall be entitled to the fees and allowances prescribed by law for witnesses in the circuit courts, which fees and allowances shall be taxed, collected and paid in the same manner and according to the same regulations as apply in the circuit courts.

(b) All other costs of court shall be as follows: (1) in each civil action at law, if the sum in controversy does not exceed one hundred dollars (\$100.00), the same as in justice courts; (2) in every other civil action at law, the same as in circuit courts; (3) in each criminal case involving an offense of which justice courts have final jurisdiction, the same as in justice courts; and (4) in every other criminal case, the same as in county courts, including fees as provided by Sections 86 and 89(2) of Title 11, 1958 Code of Alabama, except that fees for cases provided for herein under Section 7(b), the fees shall be as there stated.

Section 7. Criminal Prosecutions. — (a) Prosecutions may be commenced in such court, upon sworn complaint made to the judge of the court in whose jurisdiction said offense is alleged to have been committed, which judge shall issue a warrant of arrest if he is reasonably satisfied that the offense has been committed in his jurisdiction and there is reasonable cause to believe that the accused is guilty, or upon sworn complaint made as prescribed by Code of Alabama of 1958, Title 13, Section 327, the case shall be docketed for trial, and the trial shall be held and conducted as trials after indictments. The clerk shall keep a record of all complaints made and all warrants issued. If the original complaint or warrant is lost, mislaid or destroyed, a certified copy of the record shall be sufficient for the arraignment and trial of the accused.

(b) All warrants issued in Talladega County for misdemeanors

for violation of the rules of the road and other misdemeanors defined or provided for in Code of Alabama of 1958, Title 36, shall be returnable to the County Court of Talladega County, Northern Division or Southern Division, according to jurisdiction, and shall be there tried.

Section 8. Solicitor. — (a) It shall be the duty of the Circuit Solicitor of the Twenty-Ninth Judicial Circuit of Alabama, in addition to all other duties imposed on him by law, to prosecute all criminal cases, wherein solicitor's fees are charged, in the County Court of Talladega County, Alabama, both in the Northern and Southern Divisions. The Southern Division of said court shall be held at the County Building in Sylacauga, Alabama, and at the City Hall Building in Childersburg, Alabama, at the discretion of the trial judge. The salary of the Solicitor paid by Talladega County shall remain unchanged by this Act, as set up by Act 109, Senate Bill 37, Regular Session of the 1959 Legislature; said salary being and continuing to be an annual salary of nine hundred dollars (\$900.00), payable in equal monthly installments out of the general fund of Talladega County, Alabama, as the salaries of other employees are paid.

In addition to the above salary, the Circuit Solicitor of the Twenty-Ninth Judicial Circuit of Alabama shall be paid an expense allowance of nine hundred dollars (\$900.00) per annum, payable in twelve (12) equal monthly installments. This expense allowance shall be paid to compensate the Circuit Solicitor for the use of his automobile on official business in investigating cases throughout Talladega County and in his travel to and from the courts located in the Southern Division, from the Courthouse in Talladega to the courts in Sylacauga, Alabama, and Childersburg, Alabama, and for other expenses such as meals and incidentals incurred while away from the courthouse on business of the Solicitor's office. The Circuit Solicitor shall not be required to account for moneys received and expended, and this expense allowance shall be handled in the same manner as other expense accounts by the Commissioner's Court or other proper governing body.

(b) All Solicitor's fees taxed and collected in all criminal cases in the County Court of Talladega County, both Northern and Southern Divisions, shall be paid into the General Fund of Talladega County Treasury by the clerk taxing and collecting same.

Section 9. Appeals and Certiorari. — Any party aggrieved by a judgment, order or ruling of the court may appeal the decision as herein provided. (1) If the case is a civil case, the appeal or certiorari lies to the Circuit Court of Talladega County, and shall be governed by Article 6 of Chapter 8, Title 13 of the 1958 Code, where the trial shall be de novo with trial by jury where demanded by either party, as provided by Code of 1958, Title 7, Section 264. Where a civil case is tried on appeal in the Circuit Court and the sum in controversy does not exceed one hundred dollars (\$100.00), the issue shall be made up as provided by Code of 1958, Title 13, Section 486; otherwise, the pleadings and trial shall be according to the regular rules of pleading and practice in the Circuit Court. (2) If a case arises under the court's jurisdiction with respect to juveniles, the appeal lies to the Circuit Court and shall be governed by Section 371 and Section 372 of Title 13 of the 1958 Code of Alabama. (3) In every criminal case, the appeal lies to the Circuit Court and shall be governed by Section 349 of Title 13 of the 1958 Code, but with appeal bond to be

approved by the clerk and with trial by jury on demand by the defendant, as prescribed by Code of 1958, Title 15, Section 321.

Section 10. Judgments. — The party in whose favor a judgment is rendered shall have all the rights, remedies and privileges with respect to the registration and enforcement thereof as are provided in Chapter 11, Title 7 of the 1958 Code.

Section 11. Clerks. — (a) The Circuit Clerk of Talladega County shall be the Clerk of the Northern Division of the court herein established. The Judge of the Southern Division of the court herein established, with the approval of the Court of County Commissioners, Board of Revenue or other governing body, shall appoint the Clerk of the Southern Division of said court, who shall, at the time of his appointment and during his continuance in office, be a duly qualified elector of Talladega County and reside within the territorial jurisdiction of the Southern Division of said court. The Clerk of the Southern Division of said court shall receive as compensation for the services required of him a monthly salary to be paid from the General Fund of the county, in such amount as is fixed by the Judge of the Southern Division of said court, with the approval of the Court of County Commissioners, Board of Revenue, or like governing body of the county.

(b) The governing body of the county shall furnish, at county expense, such records, stationery, office supplies and equipment as may be necessary to conduct the court's business. The Clerk shall keep a seal, which shall be the official seal adopted by the court. Before entering upon the performance of their duties, the Clerks of the County Court of Talladega County must give bond as required by law for Clerks of county courts.

(c) It shall be the duty of the clerks to keep all the records, files and dockets of the court in an orderly manner and to perform all other duties required by the Judge.

(d) The Clerk shall have the power and authority: (1) to administer oaths and take acknowledgments and affidavits; (2) to sign and issue all processes issuing out of the court, including warrants, affidavits, summonses, subpoenas, writs, executions, commitments and releases; (3) to approve bonds in civil and criminal cases, including appeal bonds; (4) to enter all judgments, orders and decrees of the court; (5) to certify all appeals and transcripts; and (6) to exercise all powers and authority which are now or may be hereafter conferred on Clerks of county courts.

Section 12. Transfer of Pending Cases. — All cases pending in the Intermediate Court of Talladega County on the effective date of this Act shall be transferred to the Northern Division of the court herein created and shall proceed as though begun therein. All cases and actions pending in the Civil and Misdemeanors Court of South Talladega County on the effective date of this Act shall be transferred to the Southern Division of the court herein created and shall proceed as though begun therein. As to judgments rendered by the said courts, this court shall have the same power to control, and may issue executions and other processes thereon in all respects as though the judgments had been rendered by it.

Section 13. Severability. — The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. Repealer. — All laws or parts of laws which conflict with this Act are repealed.

Section 15. Effective Date. — This Act shall become effective upon the first day of the calendar month immediately following its passage and approval by the Governor or its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF TALLADEGA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Cecil Hornady, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Talladega Daily Home, a newspaper of general circulation published in Talladega County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 24, July 1, July 8, and July 15, all in the year 1963.

CECIL HORNADY,

Sworn to and subscribed before me July 15, 1963.

W. H. CAMP, JR.,
Title Notary Public.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 747, 748, 752, 759, 760, 776, 777, 848 and 849 — to the Committee on Local Legislation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Edwards (Escambia):

H. 741. Relating to Escambia County; providing a central purchasing system for the county and county officers and departments, and for a county purchasing agent.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF ESCAMBIA

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Escambia County; providing a central purchasing system for the county and county officers and departments, and for a county purchasing agent.

Be It Enacted by the Legislature of Alabama:

Section 1. The chairman of the Board of County Commissioners of Escambia County shall serve as county purchasing agent without additional compensation. The county purchasing agent shall purchase for the county officials, the county offices, and every department of the county, all books, stationery, supplies, office equipment, printing and printing matter, blanks, forms, machinery, equipment, tools, materials, supplies, and contractual services needed by such county officials, offices, and departments. Subject to the approval of the Board of County Commissioners, the purchasing agent shall have the authority:

1) To establish standard specifications for supplies, equipment, and materials used by the county officials, offices, and departments;

2) to operate a central storeroom;

3) to require county officers, offices, and departments to prepare estimates of requirements;

4) to transfer among the county officers, offices, and departments surplus supplies, equipment, and materials, or to sell surplus or obsolete items after receiving at least three competitive bids upon such surplus or obsolete items;

5) to promulgate reasonable rules and regulations governing the acquisition of supplies, materials, and equipment, or the disposal of surplus or obsolete personal property of the county.

Section 2. The purchasing agent shall obtain at least three written, sealed competitive bids for all purchases of or contracts for, supplies, equipment, materials, and contractual services when the amount involved is two hundred fifty dollars (\$250) or more. If the purchase or contract involves an amount of less than two hundred fifty dollars (\$250), the purchasing agent may make such purchases or contracts either upon the basis of sealed bids or in the open market, in his discretion; but, so far as practicable, such purchases or contracts shall be based upon at least three competitive bids. It shall be a violation of the section to divide or otherwise adjust the quantity of a purchase to an amount less than two hundred fifty dollars (\$250) for the purpose of evading this section. Invitations for bids shall be posted on a bulletin board in the county courthouse and sent to prospective suppliers at least one week before the final date for submitting bids. Bids shall be opened publicly by the purchasing agent at a time and place stated in the invitations. The purchasing agent shall award the purchase to the lowest responsible bidder, or he may reject all bids and renegotiate the purchase when the public interest will be served thereby. The pur-

chasing agent shall obtain information from the division of purchases and stores of the state department of finance concerning the price to the State of the items to be purchased, and if the state price is less than the lowest bid received, and if the delivery date is reasonable, all bids shall be rejected and the purchase shall be negotiated through the state purchasing agent. In an emergency arising from any unforeseen causes, including delay by contractors, delay in transportation, breakdown in machinery or other work stoppage, and unanticipated volume of work the purchasing agent may negotiate a purchase costing two hundred fifty dollars or more by soliciting three competitive bids informally, either verbally or by telephone, telegraph, or letter and without obtaining information from the division of purchases and stores. The provisions of this Act regarding three competitive bids and obtaining information from the division of purchases and stores may also be waived in cases of emergency involving actual danger to life or property and for purchases of perishable commodities, items and services of a technical or specialized nature, utility services, and commodities or services for which there is no competitive situation. The provisions of this Act requiring purchases to be made through the county purchasing agent may be waived in the case of small purchases costing no more than ten dollars (\$10), provided that no such purchase is part of a larger purchase which has been divided for the purpose of coming within this exception. All county officers, and all county offices and departments shall inspect, upon delivery, all materials, supplies, and equipment purchased by the purchasing agent, and no item shall be accepted and paid for without having been approved by the officer, office, or department requesting the purchase. Any official or person who purchases or procures any supplies, materials, equipment, or services contrary to the provisions of this section shall be personally liable for the amount of such purchase.

Section 3. Supplies, materials, equipment, and services shall be furnished to the county officers, offices, and departments only upon written requisition setting forth the articles needed and signed by the officer for whose office the articles are requested. The requisitions shall state by items the articles that are desired and needed, that the articles are necessary, that the amount of the requisition is not excessive, and that no part of the articles will be used except in conducting the public business. The requisitions, with the purchase invoices attached, shall be kept on file in the office of the purchasing agent in an orderly manner, as a permanent record subject to public inspection at all reasonable times.

Section 4. The purchasing agent shall keep a current inventory of all property owned or leased by the county which inventory record shall show where such property is located and in whose possession or under whose control it is.

Section 5. Before entering upon the discharge of his duties, the county purchasing agent shall execute a bond in the sum of fifteen thousand dollars (\$15,000). The bond shall be payable to Escambia County, with good and sufficient surety, and shall be conditioned upon the faithful discharge and performance of his duties. The bond shall be filed and recorded in the office of the judge of probate of the county, and the premium thereon shall be paid by the county.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. Act No. 287, H. 766, Regular Session 1935 (Loc. Acts

1935, p. 170) and all other laws or parts of laws in conflict with the provisions of this Act are repealed.

Section 8. This Act shall take effect on the first day of the month next following the date of enactment.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF ESCAMBIA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Philip Sokol, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Co-Publisher of the Atmore Advance, a newspaper of general circulation published in Escambia County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 6, June 13, June 20, and June 27, all in the year 1963.

PHILIP SOKOL,
Co-Publisher.

Sworn to and subscribed before me June 28, 1963.

RACHEL DAVIS,
Title Notary Public.

Also:

By Mr. Edwards (Escambia):

H. 742. To reorganize the governing body of Escambia County; abolishing the Board of Revenue and creating a Board of County Commissioners; repealing conflicting laws.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF ESCAMBIA

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To reorganize the governing body of Escambia County; abolishing the Board of Revenue and Creating a Board of County Commissioners; repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Revenue of Escambia County is abolished, and there is created in lieu thereof a Board of County Commissioners to be composed of a chairman and four associate members.

Section 2. A chairman of the Board shall be elected by the qualified electors of the county at the general election of state and county officers in 1964, and every four years thereafter, and shall hold office for a term of four years from the first Monday after the second Tuesday in January next following his election, and until his successor is elected and qualified. The chairman must possess the same qualifications for office as the general law prescribes for probate judges. He shall be entitled to an annual salary of \$6,000.00 payable from the county treasury in equal monthly installments, which shall be his entire compensation for performance of the duties of his office and all ex-officio duties imposed by law.

Section 3. One associate member of the Board shall be elected by the qualified electors of the entire county for each of the commissioners' districts into which the county is now divided. However, the incumbent members of the county governing body shall serve as members of the Board of County Commissioners hereby created until the expiration of the terms for which they were elected, and until their successors are elected and qualified. Associate members of the Board from Districts 2 and 4 shall be elected at the general election to be held in 1964, and every four years thereafter, Associate members of the Board from Districts 1 and 3 shall be elected at the general election to be held in 1966, and every four years thereafter. A candidate for associate member of the Board must be a resident and qualified elector of the district he represents and shall continue to reside therein during his continuance in office. The associate members of the Board shall hold office for terms of four years from the first Monday after the second Tuesday in January next succeeding their election and until their successors are elected and qualified.

Section 4. The associate members of the Board shall each receive an annual salary of three thousand three hundred dollars (\$3,300). The salaries of the associate members of the Board shall be paid in equal monthly installments from any funds in the county treasury available for that purpose, and shall be their entire compensation for the services required of them by this Act.

Section 5. Before entering upon discharge of their duties, the associate members of the Board shall each execute a bond in the sum of three thousand dollars (\$3,000). The bonds shall be payable to Escambia County, with good and sufficient surety, and shall be conditioned upon the faithful discharge of their duties of office. The bonds shall be filed and recorded in the office of the judge of probate of Escambia County, and the premiums thereon shall be paid by the county.

Section 6. Except as otherwise provided herein and in Act No. 101, H. B. 12, Second Special Session 1963, effective June 1, 1963, the Board of County Commissioners shall have all the jurisdiction and powers which are, or which hereafter may be, vested in courts of county commissioners or other like county governing bodies by the general laws of the State. The roads and bridges of the county shall be constructed, repaired, and maintained on the basis of the county as a unit and without regard to district lines as provided in said Act No. 101. The Board may appoint one chief clerk and fix his salary at not more than six hundred dollars (\$600) per month, which salary shall be paid by the county, and may also appoint such clerical assistants as may be necessary.

Section 7. The Board shall hold regular meetings on the second Monday of each month and may hold special meetings upon the call of the chairman or two associate members of the Board. A majority of the members of the Board shall constitute a quorum for the transaction of

business. The chairman shall have a vote the same as an associate member, but shall not have a second vote to break a tie. The Board shall keep complete and accurate written minutes of all meetings, business transacted, and resolutions; and there shall be recorded therein the vote of each member. At each meeting the minutes of the previous meeting shall be read and all minutes shall be open to public inspection at reasonable times.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. Act No. 287, H. 766, Regular Session 1935 (Loc. Acts 1935, p. 170), Act No. 349, H. 748, Regular Session 1953 (Acts 1953, p. 415), and all other laws or parts of laws in conflict with the provisions of this Act are hereby repealed. However, this Act shall not be considered a repeal of any part of said Act No. 101, H. 12, Second Special Session 1963.

Section 10. This Act shall become effective on the first day of the month next following the date of enactment.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF ESCAMBIA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Philip Sokol, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Co-Publisher of the Atmore Advance, a newspaper of general circulation published in Escambia County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 13, June 20, June 27, and July 4, all in the year 1963.

PHILIP SOKOL,
Co-Publisher.

Sworn to and subscribed before me July 5, 1963.

ELOISE BRADFORD,
Title Notary Public.

Also:

By Mr. Edwards (Escambia):

H. 743. To create an inferior court for Escambia County to replace the court created by Act No. 665, H. 1019, Regular Session 1951, abolishing the existing court and providing for a transfer of pending cases.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA COUNTY OF ESCAMBIA

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To create an inferior court for Escambia County to replace the court created by Act No. 665, H. 1019, Regular Session 1951, abolishing the existing court and providing for a transfer of pending cases.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby established in Escambia County an inferior court with county-wide jurisdiction of criminal cases and civil actions as hereinafter provided. The court shall not be a court of record, but it shall replace the Inferior Court of Escambia County established by Act No. 665, H. 1019, Regular Session 1951, which is hereby abolished.

Section 2. (a) Except as provided in subsection (b), the court shall have power to exercise jurisdiction in all actions, causes, matters, proceedings, and cases (including bastardy proceedings, and actions for unlawful detainer and for the recovery of possession of land without limitation as to the value of the property involved), cognizable before the circuit court, or a county court, or the juvenile court, or justice of the peace, or courts created in lieu thereof, and all courts of like jurisdictions. It shall have the authority to punish contempts by fine not exceeding fifty dollars (\$50.00) and imprisonment not exceeding five days. It may adopt and enforce rules and regulations relative to pleadings, procedure, and practice, provided such rules and regulations are not contrary to the Constitution and statutes of the State and lawmade rules governing the practice and procedure of inferior courts.

(b) The court shall not have power to try persons charged with felonies. It shall not have jurisdiction of actions of ejectment or of any civil action when the matter or sum in controversy exceeds \$500.00, nor take cognizance of any matter or proceeding in equity, except suits involving the custody of children.

(c) The judge of the court shall have and exercise preliminary jurisdiction in felony cases, and the clerk and the clerk's deputy shall have power to take complaints and issue warrants in preliminary proceedings commenced in said court.

Section 3. (a) A judge of the court herein established shall be elected by the qualified electors of the county at the general election of 1966 and every four years thereafter. His term shall be for four years from the first Monday after the Second Tuesday in January next succeeding his election, and until his successor is elected and qualified.

(b) The judge shall, before entering upon the discharge of the duties of office, take the oath prescribed by Section 279 of the Constitution. He may be removed from office for any cause enumerated in Section 173 of the Constitution and in the manner provided by law. No person shall be eligible for the office of judge unless he is, at the time of his appointment or election, a qualified elector of Escambia County, Alabama, learned in the law, and has been licensed to practice law in this State. The judge and his partner shall not practice law in the court herein established, nor participate in any case appealed from such court, but they shall be free to practice in all other courts and engage in the general practice of the law. Any vacancy occurring the office of judge shall be filled by appointment by the Governor.

(c) The judge shall receive an annual salary of \$5,400 payable out of the general fund of the county in equal monthly installments.

(d) The judge shall have authority to: 1) grant writs of certiorari, supersedeas, quo warranto, mandamus, and all other remedial and original writs which are granted by the circuit judges; 2) grant writs of injunction and ne exeat; 3) administer oaths and take acknowledgments; 4) issue search warrants; 5) exercise such other powers, jurisdiction or authority as may now or hereafter be conferred by law upon circuit judges, judges of juvenile and county courts, and justices of the peace. Provided, however, the judge shall not have or exercise the powers, jurisdiction, or authority of equity courts except in suits involving the custody of children.

(e) The judge shall be provided, at the expense of the county, with such office supplies, stationery, stamps, and other materials as may be necessary for the transaction of the business of the court.

(f) In the event the judge is disqualified or unable to act, a special judge shall be appointed as provided in Section 160 of the Constitution and Section 124 of Title 13 of the 1940 Code of Alabama.

(g) The judge of the Inferior Court of Escambia County shall be the judge of this court until his successor is elected as provided in subsection (a).

Section 4. (a) Sessions of the court shall be held at the county courthouse and at other places herein designated, and the court shall be open at all times for the transaction of business. Regular sessions shall be held on the first Monday in each month at the courthouse in Brewton, Alabama for the trial of criminal cases, and on the first Tuesday in each month at the courthouse in Brewton, Alabama for the trial of civil action at law. Regular sessions shall be held in the City of Atmore, Alabama on the third Monday in each month for the trial of criminal cases and also for the trial of civil actions at law. Special sessions may be held either at the county courthouse in the City of Brewton, Alabama, or in the City of Atmore, Alabama, at such times as the judge shall designate. Sessions may continue so long as may be necessary for the court to complete its business.

(b) The Sheriff shall attend the sessions of the court in person or by deputy and shall receive the same compensation therefore which he is now allowed for attending sessions of the county court and the circuit court. He shall execute all writs and processes of the court, and perform such other duties as he may be required to perform in the circuit court.

Section 5. Except as otherwise provided in this Act, the practice and procedure of the court as to parties, trial, competency of witnesses, admissibility of evidence, regulation of suits, and the time within which suits may be brought shall be governed by the statutes and rules of practice and procedure governing the circuit courts. In civil actions at law when the summons, writ of attachment, summons and complaint in attachment, or other process has been executed on the defendant, or service perfected on him as required by law, the defendant shall appear and plead, answer or demur thereto within twenty days.

Section 6. The court shall not draw, organize, or empanel grand or petit juries. The judge shall decide all issues of fact without the intervention of a jury.

Section 7. It shall be the duty of the clerk of the court to tax and collect 1) in each civil action at law, if the sum in controversy does not exceed one hundred dollars (\$100.00), the same costs and fees for services of the Clerk and Sheriff and witnesses in civil cases in said

Court as are now or may hereafter be allowed by law to be assessed, charged and collected for same in the Justice of Peace Courts; 2) in every other civil action at law, the same as in circuit courts; 3) and in all criminal cases the same costs, fines, and fees for the services of the solicitor, clerk, sheriff and witnesses, in said Court shall be assessed and collected as are now or may hereafter be provided by law to be assessed and collected for such offenses in the county court. 4) A trial tax of one dollar (\$1.00) shall be collected for the use of the county in each civil action at law, if the sum in controversy does not exceed one hundred dollars (\$100.00). In every other civil action at law, and in every criminal case, a trial tax of three dollars (\$3.00) shall be collected for the use of the county. 5) No costs shall be taxed in juvenile cases. 6) The fees of the clerk and sheriff in cases in which the State fails to collect, or where a nolle prosequi is ordered, or where the case is abated by death of the defendant, or where an execution is returned "No property found," shall be paid out of the general fund of said County. 7) The clerk shall be entitled to receive a commission of five per cent on all moneys remitted by him either to the State of Alabama or to the County depository of the County of Escambia. 8) The Clerk shall receive for issuing of warrants, affidavits and commitments the same fees to which the Circuit Clerk of Escambia County, Alabama is now entitled to receive under and by virtue of Local Act, 1947, Act No. 184. 9) All costs of criminal cases in said court shall be taxed and paid as is now provided to be taxed and paid in the County Court under and by virtue of Local Act, 1935, Act No. 256. 10) All fines and costs shall be remitted in the same manner and to the same depository now required by law to be remitted in the County Court. 11) The Clerk and the Sheriff shall be entitled to receive the same ex officio fees now provided by law in the County Court. 12) The Sheriff shall receive, as cost taxed against the defendants, for transferring prisoners incarcerated in the County jail from the County jail in Brewton, Alabama to the court room in Atmore, Alabama, in the event of conviction, the sum of ten cents per mile; and when a prisoner is committed by the Court in Atmore to the County jail in Brewton, the Sheriff shall receive as costs, to be taxed against the defendants, in the event of conviction, the sum of ten cents per mile for transferring said prisoners from the court room in Atmore, Alabama to the County jail in Brewton, Alabama.

Section 8. (a) No prosecution shall be commenced in such court except upon the sworn complaint made to either the judge or the clerk or the clerks deputy, who shall issue a warrant of arrest if he is reasonably satisfied that the offense has been committed and that there is reasonable cause to believe that the accused is guilty. When the accused is arrested, the case shall be docketed for trial, and the trial shall be held and conducted as trials after indictments.

(b) The county solicitor, or deputy solicitor, shall prosecute for the State all criminal cases commenced in such court. In addition to the salary now received by the county solicitor or deputy solicitor, he shall receive in addition thereto the sum of twenty-five (\$25.00) for each session of said court which he is required to attend in the City of Atmore, Alabama. In event the county solicitor or deputy solicitor is absent or disqualified, the judge shall appoint a special prosecutor, who shall be paid twenty-five dollars (\$25.00) for each day he is called upon to serve.

Section 9. Appeals may be taken as follows: 1) If the case is a civil case, the appeal lies to the circuit court and shall be governed by Article 6 of Chapter 8, Title 13, of the 1940 Code. 2) If the case arises under the court's jurisdiction with respect to juveniles, the appeal lies to the circuit court and shall be governed by Sections 371 and 372 of

Title 13 of Code of 1940. 3) In every criminal case, the appeal lies to the circuit court and shall be governed by Section 349 of Title 13 of the 1940 Code.

Section 10. The party in whose favor a judgment is rendered shall have all the rights, remedies, and privileges with respect to the registration and enforcement thereof as are provided in Chapter 11 of Title 7 of the 1940 Code.

Section 11. (a) The Clerk of the Circuit Court of Escambia County Alabama, shall be ex officio clerk of the court herein established. He shall have power to appoint a deputy clerk and delegate to him such authority as may be necessary to carry out the provisions of this Act. The clerk shall have authority to purchase at county expense such records, stationery, office supplies, and equipment as may be necessary to conduct the court's business. He shall keep a seal, which shall be the official seal adopted by the Court.

(b) It shall be the duty of the Clerk to keep all the books, papers, files, and dockets of the court in an orderly manner and to perform all other duties required by the judge.

(c) The clerk shall have power and authority: 1) to administer oaths and take acknowledgments and affidavits; 2) to sign and issue all processes issuing out of court, including warrants, affidavits, summonses, subpoenas, writs, executions, commitments, and releases; 3) to approve bonds in civil cases; 4) to enter all judgments, orders and decrees of the court; 5) to certify all appeals; 6) to exercise all powers and authority which are now or may be hereafter conferred on clerks of the circuit courts.

(d) The clerk shall attend the sessions of the court in person or by deputy and shall receive in addition to his regular fees as herein provided the sum of ten dollars (\$10.00) per session of the court attended by him or his deputy in the City of Atmore, Alabama.

Section 12. All cases and actions pending in the Inferior Court of Escambia County on the effective date of this Act shall be transferred to the court herein created and shall proceed as though begun therein. As to judgments heretofore rendered by the Inferior Court of Escambia County, this court shall have the same power to control, and may issue executions and other processes thereon in all respects as though the judgments had been rendered by it. This Act shall not apply to nor affect any criminal or quasi-criminal case pending in any justice of the peace court of the county on the effective date hereof.

Section 13. The provisions of this Act are severable. If any part of it is declared unconstitutional or invalid, such declaration shall not affect the part that remains.

Section 14. All laws in conflict with this Act are repealed to the extent of the conflict.

Section 15. This Act shall take effect on the first of the month next following the date of its enactment.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF ESCAMBIA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Philip Sokol, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Co-Publisher of the Atmore Advance, a newspaper of general circulation published in Escambia County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 6, June 13, June 20, and June 27, all in the year 1963.

PHILIP SOKOL,
Co-Publisher.

Sworn to and subscribed before me June 28, 1963.

RACHEL DAVIS,
Title Notary Public.

Also:

By Mr. Edwards (Escambia):

H. 744. To regulate further the compensation of jailers and deputies sheriff of Escambia County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF ESCAMBIA

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To regulate further the compensation of jailers and deputies sheriff of Escambia County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following jailers and deputies to the sheriff of Escambia County whose compensation is payable by the county according to law shall receive the following compensation: The principal deputy designated as such by the sheriff other than the chief deputy shall receive a salary of not less than three hundred, seventy-five (\$375) per month; deputies other than the chief deputy and the principal deputy including jailers, shall each receive a salary of not less than three hundred fifty dollars (\$350.) per month.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on the first day of the month commencing after the date of its enactment.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF ESCAMBIA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Philip Sokol, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Co-Publisher of the Atmore Advance, a newspaper of general circulation published in Escambia County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 6, June 13, June 20, and June 27, all in the year 1963.

PHILIP SOKOL,
Co-Publisher.

Sworn to and subscribed before me June 28, 1963.

RACHEL DAVIS,
Title Notary Public.

Also:

By Mr. Hester:

H. 755. To prescribe certain rules of procedure, pleading, and practice relating to the joinder of parties and the rendition of judgment in certain courts in Franklin County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
FRANKLIN COUNTY

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To prescribe certain rules of procedure, pleading, and practice relating to the joinder of parties and the rendition of judgment in certain courts in Franklin County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to and govern all units, both in law and equity hereafter filed in the following courts: (1) the Circuit Court of Franklin County, Alabama; and (2) any other court of record which may hereafter be established by law in Franklin County in lieu of

either of said courts or exercising concurrent jurisdiction, in whole or in part, either at law or in equity, with the Circuit Court of said county. It shall not apply to or affect any case pending in any court on the date of its enactment. It shall not apply to the Probate Court of said county.

Section 2. It shall be proper and permissible to adjudicate and settle in a single unit, in so far as practicable, all issues, whether direct, indirect, remote, contingent, conditional, or collateral, arising out of the same transaction, occurrence, or event, or relating to the same subject matter. For this purpose, the plaintiff may, in addition to indispensable parties or necessary parties, join any of the following persons as defendants:

(a) Every person who will be adversely affected by the judgment, either directly, or indirectly, remotely, contingently, conditionally or collaterally, either as surety, guarantor, indemnitor, insurer, reinsurer, or otherwise, although such person may not be directly interested in or connected with the subject matter or object of the suit:

(b) Every person who, by contract or otherwise, shall be directly, indirectly, remotely, contingently, conditionally, or collaterally liable to pay the judgment in the case, or any part thereof, either as surety, guarantor, indemnitor, insurer, re-insurer, or otherwise, although such person may not be directly interested in or connected with the subject matter or object of the suit;

(c) Every person who, by contract or otherwise, shall be directly, indirectly, remotely, contingently, conditionally, or collaterally liable to pay the judgment in the case, or any part thereof either as surety, guarantor, indemnitor, insurer, re-insurer, or otherwise, and by reason of such direct, indirect, remote, contingent, conditional, or collateral liability, shall be entitled by contract or otherwise, to defend the suit, participate in the defense of the suit, control the proceedings, participate in the control of the proceedings, hire or designate defense counsel, participate in the employment or selection of defense counsel, or appeal from the judgment, whether or not such person is directly interested in or connected with the subject matter or object of the suit;

(d) Every person who, by contract or otherwise, shall have the right to defend the suit, participate in the defense of the suit, control the proceedings, hire or designate defense counsel, participate in the employment or selection of defense counsel, or appeal from the judgment, whether or not such person is directly interested in or connected with the subject matter or object of the suit.

Section 3. When any person who should or may join as plaintiff refuses to do so, he may be made a party defendant or, in a proper case, an involuntary plaintiff. In any cross-complaint, cross-bill, cross-petition, cross-suit, or cross-action, the cross-plaintiff, cross-complainant, or cross-petitioner may name as cross-defendants or cross-respondents any persons whom he might properly have named as defendants or respondents in an original complaint, bill, petition, suit, or action if he had been first to file his complaint, bill, petition, suit, or action in the matter.

Section 4. It shall be no objection, either to the pleadings, proceedings, or the rendition of judgment that the different defendants are liable for different amounts or that they are sued for different amounts but judgment shall be rendered against the different defendants according to their respective liabilities.

Section 5. For the purposes of this act, unless the context indicates otherwise, the term "plaintiff" includes cross-plaintiff, complainant, cross-complainant, petitioner, and cross-petitioner; the term "defendant" includes cross-defendant, respondent, and cross-respondent; and the term "suit" includes every type and kind of action, cross-action, and cross-suit, both at law and in equity.

Section 6. Nothing in this act shall be construed to authorize the bringing of any suit in Franklin County where it could not be properly brought except for the passage of this act.

Section 7. If any section, sentence, clause, or provision in this act shall be declared to be invalid or unconstitutional, it shall not affect the validity of any remaining section, sentence, clause, or provision hereof. If any specific application of any section, sentence, clause, or provision of this act shall be declared or held to be invalid or unconstitutional, such declaration or holding shall not affect the validity of such section, sentence, clause, or provision, as to any other application which is not in and of itself invalid or unconstitutional.

Section 8. All laws and parts of laws in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF FRANKLIN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Claude E. Sparks, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Franklin County Times, a newspaper of general circulation published in Franklin County, Alabama, and that the attached notices were published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 30, June 6, June 13, and June 20, all in the year 1963.

CLAUDE E. SPARKS,

Sworn to and subscribed before me 7/8, 1963.

MAE G. STREIT,
Commission expires 2/19/66.
Title Notary Public.

Also:

By Mr. Hester:

H. 756. To levy in Franklin County a county privilege, license, or excise tax on the sale, distribution storage, use, or other consumption in such county of cigarettes and cigars; to require that the tax hereby levied shall be collected by the seller or distributor, added to the sale price of the cigarettes and cigars, and passed on to the purchaser or consumer, and that the price and the tax shall be stated separately on any bill of sale or advertising of such cigarettes and cigars; to provide that the tax shall be in addition to all other taxes now levied by law;

to require the affixing of stamps to evidence the payment of the tax, and to provide for obtaining the stamps in the same manner and according to the same rules and regulations that govern the purchasing and affixing of stamps for the payment of the state tobacco tax levied by Title 51, Chapter 20, Article 9, of the Code of Alabama, 1940; to provide for the collection and enforcement of the tax by the state department of revenue in the same manner that the state tobacco tax levied by the above mentioned Article 9 is enforced; to adopt by reference certain provisions of said Article 9, as amended, relative to payment of the tax, records and reports with respect to the tax, and the provisions thereof prescribing penalties for violations; to provide for the distribution and use of the revenue derived from the tax; to authorize the state department of revenue to make rules and regulations to effectuate the purposes of this Act; and to prescribe additional penalties.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF FRANKLIN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To levy in Franklin County a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption in such county of cigarettes and cigars; to require that the tax hereby levied shall be collected by the seller or distributor, added to the sale price of the cigarettes and cigars, and passed on to the purchaser or consumer, and that the price and the tax shall be stated separately on any bill of sale or advertising of such cigarettes and cigars; to provide that the tax shall be in addition to all other taxes now levied by law; to require the affixing of stamps to evidence the payment of the tax, and to provide for obtaining the stamps in the same manner and according to the same rules and regulations that govern the purchasing and affixing of stamps for the payment of the state tobacco tax levied by Title 51, Chapter 20, Article 9, of the Code of Alabama, 1940; to provide for the collection and enforcement of the tax by the state department of revenue in the same manner that the state tobacco tax levied by the above mentioned Article 9 is enforced; to adopt by reference certain provisions of said Article 9, as amended, relative to payment of the tax, records and reports with respect to the tax, and the provisions thereof prescribing penalties for violations; to provide for the distribution and use of the revenue derived from the tax; to authorize the state department of revenue to make rules and regulations to effectuate the purposes of this Act; and to prescribe additional penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other taxes imposed by law, every person, firm, or corporation who sells, stores, delivers, uses or otherwise consumes cigarettes or cigars in Franklin County shall pay a privilege, license or excise tax in the following amounts:

(a) One cent (\$.01) for each package of cigarettes, made of tobacco or any substitute therefor:

(b) One cent (\$0.01) for each cigar of any description made to tobacco or any substitute therefor.

Provided, however, when the license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes and cigars such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes and on each cigar.

Section 2. Every person, firm, corporation, club, or association that sells or stores or receives for the purpose of distribution in Franklin County any cigarettes or cigars shall add the amount of the license or privilege tax levied and assessed herein to the price of the cigarettes and cigars, it being the purpose and intent of this provision that the tax levied is, in fact, a levy on the consumer with the person, firm, corporation, club or association, who sells or stores or receives for the purpose of distributing the cigarettes or cigars, acting merely as agent for the collection of the tax. The dealer, storer, or distributor shall state the amount of the tax separately from the price of the cigarettes and cigars on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the cigarettes and cigars. It shall be unlawful for any dealer, storer or distributor engaged in or continuing in the county in the business for which the tax is hereby levied to fail or refuse to add to the sales price and collect from the purchaser the amount due on account of the tax herein provided or to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption of the tax or any portion thereof. Any person, firm, corporation, club or association violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars (\$100.00) or imprisoned in the county jail for not more than sixty days, or by both such fine and imprisonment. Each act in violation of this section shall constitute a separate offense.

Section 3. The tax hereby levied shall be paid by affixing stamps as is required for the payment of the tax imposed by Title 51, Chapter 20, Article 9, Code of Alabama, 1940, as amended. The state department of revenue shall have the same duties relative to the preparation and sale of stamps to evidence the payment of such tax that it has relative to the preparation and sale of stamps under that article; and may exercise the same powers and perform the same duties in the same manner relative to the collection of the tax hereby levied that it does relative to the collection of that tax.

Section 4. The state department of revenue is hereby authorized to promulgate and enforce rules and regulations to effectuate the purposes of this Act. All such rules and regulations duly promulgated shall the force and effect of law.

Section 5. All laws, and rules and regulations of the department of revenue, relating to the manner and time of payment of the tax levied by Title 51, Chapter 20, Article 9, Code of Alabama, 1940, as amended, requiring reports from dealers and prescribing penalties for violations shall apply with equal force to the tax levied by this Act as fully as it set out herein.

Section 6. The revenue collected from the tax hereby levied less any discount allowed on the sale of the stamps and less the cost of collection as agreed on by the revenue department and the Franklin County governing body shall be paid to Franklin County and deposited in a special account separate and apart from other funds of the county. Such special fund is hereby appropriated for the following purposes

only: 1) as a first charge, to provide 50 scholarships to cover cost of tuition and instruction fees at Northwest Alabama Junior College for 50 high school graduates of Franklin County, to be awarded in the manner provided for by an act of the 1963 legislature; and 2) as a second charge, to provide for the cost of construction of buildings or other capital improvements at the Northwest Alabama Junior College. The revenue department may retain so much of the first revenue collected after this Act becomes law as is necessary to pay for the initial supply of stamps and thereafter the department shall retain an amount sufficient to pay for such stamps purchased subsequent to the initial purchase. However, if the Franklin County governing body elects to do so, it may advance sufficient funds for the initial purchase of stamps and sufficient revenue from the tax hereby levied may be used to reimburse the fund from which the advancement was made.

Section 7. (a) None of the provisions of this Act shall be applied in such manner as to be in violation of the commerce or other clauses of the federal or state constitution. (b) This statute shall not be construed to apply to cigarettes and cigars stored by a wholesale dealer for the purpose of resale or reshipment outside Franklin County which are actually resold or reshipped.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this Act are repealed.

Section 10. This Act shall become effective October 1, 1963.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF FRANKLIN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Claude E. Sparks, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Franklin County Times, a newspaper of general circulation published in Franklin County, Alabama, and that the attached notices were published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 30, June 6, June 13, and June 20, all in the year 1963.

CLAUDE E. SPARKS,

Sworn to and subscribed before me 7/8, 1963.

MAE G. STREIT,
Title Notary Public.
Commission expires 2/19/66.

Also:

By Mr. Avery:

H. 757. To alter, re-arrange and extend the boundaries and corporate limits of the municipality of Greensboro in Hale County; annexing certain territory to said municipality.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF HALE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, re-arrange and extend the boundaries and corporate limits of the municipality of Greensboro in Hale County; annexing certain territory to said municipality.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the municipality of Greensboro in Hale County are hereby altered, re-arranged and extended so as to embrace within the corporate limits of said municipality all the territory now lying within said limits, and in addition thereto, the following described lands lying and being in said County, to-wit:

PARCEL I. Begin at the center of Section 21, Township 20 North, Range 5 East, Hale County, Alabama, and run West along the center section line for a distance of 2,635 feet to the West boundary of said Section 21; continue West along the centerline of Section 20 a distance of 330 feet to a point; thence North, parallel with the East boundary of said Section 20, for a distance of 660 feet to a point; thence West, parallel with the section line, 3,600 feet to a point; thence South, parallel with the West boundary of said Section 20, a distance of 2,350 feet, more or less, to a point on the South boundary of Cherokee Terrace Subdivision (a plat of the same is recorded in Map Book 1 page 32-B, Hale County public records); thence West along the said South boundary of Cherokee Terrace and an extension thereof 1,550 feet, more or less, to the West boundary of said Section 20, and continue West 840 feet to a point; thence North, parallel with the East boundary of Section 19 for a distance of 932 feet, more or less, to the Southeast corner of the present corporate limit; thence East along the present corporate limit 2,178 feet, more or less, to the East boundary of the West Half of the West Half of Section 20; thence North along the said boundary for a distance of 1,400 feet, more or less, to the East margin of Demopolis Street; thence run in a northeasterly direction along the said street margin 830 feet, more or less, to the South boundary of the North Half of the North Half of said Section 20; thence run East along the last said boundary and present corporate limit for a distance of 3,495 feet, more or less, to the East boundary of said Section 20; thence North along the section line 530 feet to a point; thence East and parallel with the North boundary of Section 21 for a distance of 3,172 feet to the Southeast corner of Lot 8, Block D of Park Place Subdivision (a plat of which is recorded in Deed Book R, Page 799, of Hale County public records); thence South for a distance of 446.5 feet to the Southeast corner of Park Place; thence run West along the South boundary of Park Place for a distance of 570 feet, more or less, to the West boundary of Northeast Quarter of Section 21; and thence run South along the center section line a distance of 1,440 feet, more or less, to the point of beginning. All of the above lies and is situated in Sections 19, 20 and 21 of Township 20 North, Range 5 East, of St. Stephens meridian and base line, County of Hale and State of Alabama.

PARCEL II. Beginning at the Southeast corner of Section 16, Township 20 North, Range 5 East, Hale County, Alabama, and run West along the section line 898 feet, more or less, to the present corporate limit; thence north along the present corporate limit 1,361 feet, more or less, to the center of Caldwell Creek; thence southeasterly with the meanderings of said Caldwell Creek 2,000 feet, more or less, to its intersection with the East boundary of the West Half of the Southwest Quarter of the Southwest Quarter of Section 15; thence South, parallel with the Section line, a distance of 250 feet, more or less, to the South boundary of said Section 15; thence West along the Section line a distance of 660 feet to the point of beginning.

All of the above lies and is situated in Sections 15 and 16 of Township 20 North, Range 5 East, of St. Stephens meridian and base line, County of Hale and State of Alabama.

The foregoing descriptions are in accordance with a survey made in June, 1963, by S. Gene Davis, a registered surveyor for Alabama, and plat of said survey is recorded in Map Book 1, page 61 of Section B, Hale County, Alabama, public records, and reference to said plat is hereby made as it is a graphic representation of said descriptions and survey.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF HALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared N. H. Cobbs, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of The Greensboro Watchman, a newspaper of general circulation published in Hale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 20, June 27, July 4, and July 11, 1963.

N. H. COBBS,

Sworn to and subscribed before me July 11, 1963.

WILLIE L. ARRINGTON,
Title Notary Public.

Also:

By Mr. Barnett:

H. 758. Relating to the Perry County Hospital Board; authorizing the expenditure of certain public hospital funds for training student nurses.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF PERRY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Perry County Hospital Board; authorizing the expenditure of certain public hospital funds for training student nurses.

Be It Enacted by the Legislature of Alabama:

Section 1. The Perry County Hospital Board, incorporated under authority of Act No. 46, S. 154, Regular Session 1949 (Acts 1949, p. 68), is hereby authorized to expend not in excess of \$9,000 from its operating or hospital tax revenues for the purpose of providing scholarships, paying tuition, fees, and other essential expenses incident to training student nurses for use in any public hospital or related facility under its jurisdiction and control.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF PERRY

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. M. Wallace, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Marion Times-Standard, a newspaper of general circulation published in Perry County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 13, June 20, June 27, and July 4, all in the year 1963.

J. M. WALLACE,

Sworn to and subscribed before me July 8th, 1963.

ELIZABETH F. STEWART,
Title Notary Public, Perry Co.

Also:

By Messrs. Hannah and Boston:

H. 775. Relating to all judicial circuits of the State of Alabama composed of only one county and having a population of not less than Sixty Thousand Five Hundred (60,500) and not more than Sixty-five Thousand (65,000) inhabitants according to the last or any succeeding federal decennial census; authorizing the solicitor of said circuit to appoint a Deputy Circuit Solicitor and providing for the payment of said Deputy Circuit Solicitor's compensation from the general funds of the county constituting such circuit.

Also:

By Messrs. Hannah and Boston:

H. 773. To amend Section 2 of Act No. 52, H. 111, Second Special Session 1963, in relation to the date for holding the election on the constitutional amendment proposed by said Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 741, 742, 743, 744, 755, 756, 757, 758, 775 and 773 — to the Committee on Local Legislation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Carr:

H. 803. To prohibit the taking of fish from the public waters of Marshall County with certain commercial fishing gear during certain months; and prescribing penalties.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be

introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To prohibit the taking of fish from the public waters of Marshall County with certain commercial fishing gear during certain months; and prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person to use any hoop and fyke net, gill net, trammel net, snagline or any other kind of commercial fishing gear, except a setline or trotline, in taking or capturing fish from the public impounded waters and navigable streams in Marshall County except during the months of October, November, December, January and February, notwithstanding the fact that such person may be licensed by the State Department of Conservation to use such gear in any other county.

Section 2. Any person, firm, copartnership, association or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than four hundred dollars and in addition thereto all commercial fishing gear, implements, instruments, appliances or things of whatsoever nature used in connection with the commission of such misdemeanor, if the owner be unknown, shall be seized and confiscated and shall become the property of the Game and Fish Division of the Department of Conservation and shall be disposed of as ordered by the Director of Conservation, and such fishing gear, implements, instruments, appliances or things of whatsoever nature used in connection with the commission of such misdemeanor, if the owner be known, shall be seized and confiscated and shall be disposed of as ordered by the court having jurisdiction thereof.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Porter Harvey, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was editor and publisher of the Advertiser-Glean, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 5, June 12, June 19, and June 28, all in the year 1963.

PORTER HARVEY,

Sworn to and subscribed before me July 15, 1963.

ALICE WELLS HARVEY,
Title Notary Public.

Also:

By Messrs. Pierce, Goldthwaite, Goodwyn and Little:

H. 820. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 21, 22, 27 and 28, Township 16 North, Range 18 East, Montgomery County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given of the intention to apply to the Legislature of Alabama for passage of a law in substance as follows:

A BILL TO BE ENTITLED AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 21, 22, 27, and 28, Township 16 North, Range 18 East, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama be, and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said city certain additional territory lying within the following described boundaries, to-wit:

Beginning at a point on the east side of Carter Hill Road 660.0 feet south of the North line of Section 28 T, 16 N, R 18E; thence easterly and parallel with the north line of said Section 28 to the east line of said Section 28; thence easterly and parallel with the north line of Section 27, T 16N, R 18E to a point 463.54 feet west of the east line of the northwest quarter of said Section 27; thence north and parallel with the east line of the Northwest quarter of said Section 27 660.0 feet to the north line of said Section 27 or the south line of Section 22, T 16N, R 18E; thence north and parallel with the east line of the southwest quarter of said Section 22 and the extension thereof to the north side of the Vaughn Road; thence east along the north side of the Vaughn Road a distance of 7.3 feet to the Southeast corner of Lot 2 according to the Correction Map of the Hill Lands in the North Half of Section 22; T 16N, R 18E; thence north along the east line of said Lot 2 to the Northeast corner of said Lot 2 being on the north line of Section 22, T 16N, R 18E; thence west along the north line of said Section 22 a distance of 888.0 feet to the northeast corner of Lot 1 according to the Correction Map of the Hill Lands in the north half of Section 22. T 16N R 18E, said point being 1305.0 feet east of the northwest corner of

said Section 22; thence south along the east line of said lot 1 to the north side of the Vaughn Road; thence west along the north side of the Vaughn Road to the westerly right-of-way of the Central of Georgia Railroad; thence southeasterly along the westerly right-of-way of the Central of Georgia Railroad to the intersection of said right-of-way with the east side of Carter Hill Road; thence south along the east side of Carter Hill Road to the point of beginning.

Section 2. That this act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF MONTGOMERY

Before me, Ruth E. Moore, a Notary Public in and for said State and County personally appeared Betty Shine, bookkeeper for "The Advertiser Company, Inc.", publishers of the Alabama Journal, a newspaper published in the City of Montgomery, and State of Alabama, who, being by me first duly sworn, deposes and says that the foregoing and attached is a true copy of a "Legal Notice" which appeared in the regular editions of the said newspaper published in said City and County of Montgomery on May 29, June 5, 12 and 19, 1963.

BETTY SHINE,

Sworn to and subscribed before me, this the 25th day of June, 1963.

RUTH E. MOORE,
Notary Public,

Also:

By Messrs. Brewer and Slate:

H. 833. To amend further Section 1 of Act No. 64, H. 259, Regular Session 1947 (Local Acts 1947, p. 45), an act providing for the appointment of a deputy clerk for the circuit court of Morgan County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MORGAN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend further Section 1 of Act No. 64, H. 259, Regular Session 1947 (Local Acts 1947, p. 45), an act providing for the appointment of a deputy clerk for the circuit court of Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1 of Act No. 64, H. 259, Regular Session 1947 (Local Acts 1947, p. 45), an act providing for the appointment of a deputy clerk

for the circuit court of Morgan County, as amended, is amended further to read as follows:

"Section 1. The clerk of the circuit court of Morgan County and of the Morgan County Court of Morgan County shall appoint a deputy clerk and a clerical assistant for such courts. The deputy clerk shall possess all the powers and authority, both ministerial and judicial, now or hereafter possessed by the circuit clerk by whom the deputy clerk is appointed. The compensation of the deputy clerk and the clerical assistant shall be fixed by the circuit clerk and shall be paid in equal monthly installments out of the general fund of the county, but the combined compensation of the deputy clerk and the clerical assistant provided herein shall not exceed eight thousand eight hundred dollars (\$8,800) per annum."

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack W. Hoffhaus, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Owner and Publisher of the Hartselle Enquirer, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 6, June 13, June 20, and June 27, all in the year 1963.

JACK. W. HOFFHAUS,

Sworn to and subscribed before me July 3, 1963.

WILMA V. NEWMAN,
Title Notary Public.

Also:

By Messrs. Brewer and Slate:

H. 834. To alter, rearrange, and extend the boundaries of the City of Decatur in Morgan County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA COUNTY OF MORGAN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To alter, rearrange, and extend the boundaries of the City of Decatur in Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Decatur in Morgan County are hereby altered, rearranged, and extended so as to include within the corporate limits of such city, in addition to the territory included within the present corporate limits, the following described territory:

A tract of land containing 51.66 acres lying in the E $\frac{1}{2}$ and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 31, Township 5 South, Range 4 West, described as beginning at the southeast corner of Section 31, Township 5 South, Range 4 West, and running north along section line 3207.78 feet to a point on the westerly right of way line of the L & N Railroad; thence turning an angle of 171 degrees 11 minutes measured clockwise from back tangent and running northwesterly along, said right of way line 23.38 feet to the true point of beginning; thence continuing northwesterly along said right of way line 765.41 feet to a point; thence turning a deflection angle of 81 degrees 11 minutes to the left and running west 2244.93 feet to a point; thence turning on angle of 90 degrees and running north 628.26 feet to a point; thence turning an angle of 85 degrees 27 minutes measured clockwise from back tangent and running westerly 431.16 feet more or less to the centerline of a public road; thence running southerly along the center line of said public road to an iron pin, said pin being the southeast corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 31; thence running along quarter section line 756.37 feet to a point; thence turning an angle of 90 degrees 03 minutes measured clockwise from back tangent and running east 2676.23 feet to the true point of beginning.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared B. C. Shelton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of The Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 18, June 25, July 2, and July 9, all in the year 1963.

B. C. SHELTON,

Sworn to and subscribed before me July 11, 1963.

R. H. JERVIS,
Title Notary Public.

Also:

By Messrs. Brewer and Slate:

H. 835. To amend further Act No. 70, H. 346, Regular Session

1943 (Local Acts 1943, p. 34), an act placing the judge of probate of Morgan County on a salary basis and providing for clerical assistance.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF MORGAN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To amend further Act No. 70, H. 346, Regular Session 1943 (Local Acts 1943, p. 34), an act placing the judge of probate of Morgan County on a salary basis and providing for clerical assistance.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 70, H. 346, Regular Session 1943 (Local Acts 1943, p. 34), an act placing the judge of probate of Morgan County on a salary basis and providing for his clerical assistance, as amended, is further amended to read as follows:

"Section 1. The judge of probate of Morgan County, Alabama, shall receive an annual salary of ten thousand dollars (\$10,000). Such salary shall be in lieu of all other compensation, commissions, allowances, fees, costs, percentages and emoluments to such office, except as herein otherwise provided."

Section 2. Section 4 of said Act No. 70, Regular Session 1943, as amended, is further amended to read as follows:

"Section 4. The Board of Revenue and Control of Morgan County, Alabama, or other like governing body of the county, shall provide the judge of probate with the necessary books, records, equipment, furniture, fixtures, stationery, postage, and other supplies, and with sufficient clerks and assistants. The judge shall have the authority to select and employ and discharge at will his clerks and assistants, and to fix their compensation, but the total compensation of such clerks and assistants shall not exceed such sum as the Board of Revenue and Control or other county governing body shall allow therefor, not to exceed the sum of thirty thousand dollars (\$30,000) per annum. The board shall have authority and it shall be its duty to make an allowance for such compensation and to raise and lower the same from time to time, subject to the maximum of thirty thousand dollars (\$30,000), as conditions and circumstances may warrant."

Section 3. Section 1 of this act shall become effective upon the expiration of the term of the incumbent judge of probate of Morgan County. Section 2 of this act shall become effective October 1, 1963.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack W. Hoffhaus, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Owner and Publisher of the Hartselle Enquirer, a newspaper of general circulation published in Morgan County, Alabama and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 6, June 13, June 20, and June 27, all in the year 1963.

JACK. W. HOFFHAUS,

Sworn to and subscribed before me July 3, 1963.

WILMA V. NEWMAN,
Title Notary Public.

Also:

By Messrs. Brewer and Slate:

H. 836. To amend further Section 1 of Act No. 68, H. 263, Regular Session 1947 (Local Acts 1947, p. 51), an act providing for the appointment of a deputy register for the circuit court of Morgan County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MORGAN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend further Section 1 of Act No. 68, H. 263, Regular Session 1947 (Local Acts 1947, p. 51), an act providing for the appointment of a deputy register for the circuit court of Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1 of Act No. 68, H. 263, Regular Session 1947 (Local Acts 1947, p. 51), an act providing for the appointment of a deputy register for the circuit court of Morgan County, as amended, is amended further to read as follows:

"Section 1. The register of the Circuit Court of Morgan County and of the Morgan County Court of Morgan County shall appoint a deputy register and a clerical assistant for such courts. The deputy register shall possess all the powers and authority, both ministerial and judicial, not now or hereafter possessed by the register by whom the deputy

register is appointed. The compensation of the deputy register and the clerical assistant shall be fixed by the register and shall be paid in equal monthly installments out of the general fund of the county, but the combined compensation of the deputy register and the clerical assistant provided herein shall not exceed eight thousand eight hundred dollars (\$8,800) per annum."

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack W. Hoffhaus, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Owner and Publisher of the Hartselle Enquirer, a newspaper of general circulation published in Morgan County, Alabama and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 6, June 13, June 20, and June 27, all in the year 1963.

JACK. W. HOFFHAUS,

Sworn to and subscribed before me July 3, 1963.

WILMA V. NEWMAN,
Title Notary Public.

Also:

By Mr. Cates:

H. 839. To apply only in Shelby County; regulating further the taking of fish from public streams and impounded waters; authorizing the taking of catfish by the use of baskets or nets including wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA COUNTY OF SHELBY

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To apply only in Shelby County; regulating further the taking of fish from public streams and impounded waters; authorizing the taking of catfish by the use of baskets or nets including wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person duly licensed as provided in this Act may take, capture, and kill catfish from the public streams and impounded waters of Shelby County for his domestic use or consumption by the use of baskets or nets, including wire mesh baskets having a mesh of one and one-half inch or more; provided that no person shall be licensed to fish with more than four such baskets or nets.

Section 2. Any person desiring a license to fish for catfish with baskets or nets, including wire mesh baskets, may apply to the probate judge of Shelby County, and shall pay a county privilege license tax of one dollar for each basket he proposes to fish, not exceeding four altogether. The probate judge shall issue such license on forms provided by the county governing body, and shall keep a permanent record of all licenses issued and all taxes received. Licenses shall be issued on a calendar year basis, and all licenses issued in any year shall expire on December 31 of each year.

Section 3. All revenues derived from the sale of licenses as provided in this Act shall be used by the county under the direction of the State Department of Conservation solely for stocking the streams and impounded waters in the county with game fish, or for the feeding and cultivation of game fish; provided, the probate judge may retain five per cent of all revenues collected for issuing such licenses and collecting such taxes.

Section 4. It shall be unlawful for any licensee to sell or offer to sell fish taken, captured, or killed in a basket or net, including wire mesh baskets. Any person who violates this section shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law; in addition to such punishment, the court trying the case shall revoke the license of such person.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF SHELBY

Before me, the undersigned authority in and for said County in said State, this day personally appeared O. G. Dexter, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the *Shelby County Reporter*, a newspaper of general circulation published in Columbiana, Shelby County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 6, June 13, June 20, and June 27, all in the year 1963.

O. G. DEXTER,

Sworn to and subscribed before me June 28, 1963.

CONRAD M. FOWLER,
Title Judge of Probate.

Also:

By Mr. Cates:

H. 840. To amend further Act No. 479, H. 1079, Regular Session 1959 (1959 Acts, p. 1198), an Act establishing the Law and Equity Court for Shelby County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF SHELBY

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend further Act No. 479 H. 1079, Regular Session 1959 (1959 Acts, p. 1198), an Act establishing the Law and Equity Court for Shelby County.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 15, 31, and 33 of Act No. 479, H. 1079, Regular Session 1959 (Acts 1959, p. 1198), an act establishing the Law and Equity Court for Shelby County, Alabama, as amended are further amended to read as follows:

"Section 15. The Sheriff of Shelby County shall, in person or by a deputy, appointed by him, said appointment to be approved by the judge of said court, be required to attend upon said court in preserving order, and execute all writs of process and perform such other duties, in all respects as in the Circuit Court of this State, and such deputy required for attendance upon said session of said court, shall receive the sum as already authorized by law, payable out of the county treasury upon the warrant of the judge of said court, provided that such deputy shall not receive pay except for the time that the Court is actually in session and none of such compensation to the deputy shall be shared in by the Sheriff, and for the service by the sheriff of the process of said court and attendance upon said court, he shall receive such fees and compensation as he receives under the law of the State of Alabama or any laws enacted in the future by the Legislature of Alabama for the compensation of the sheriff for similar services in the Circuit Court, except as herein otherwise provided.

"Section 31. Except as hereinafter provided, there shall be taxed against the defendant on conviction the same solicitor's fee and the same shall be collected in the way provided by law for taxing and collecting solicitor's fees in the circuit court, and when collected shall be paid into the treasury of Shelby County, Alabama. However, in traffic law cases involving violations of the penal sections of Title 36,

Code of Alabama 1940, as amended or supplemented, and in cases involving violations of the penal sections of Title 8, Code of 1940, as amended or supplemented, if the defendant pleads guilty and does not appeal, no solicitor's fee shall be charged or collected, and in every other case which is not pressed on payment of costs by the defendant, no solicitor's fee shall be charged and collected.

"Section 33. Except as hereinafter provided, a trial tax of three dollars (\$3.00 shall be imposed in each case, civil, criminal and Equity, which is docketed in said Shelby County Law and Equity Court, to be taxed and collected as other costs, and when collected, to be paid by the clerk or register of said Shelby County Law and Equity Court into the general funds of the county as other costs. In civil cases at Law where the amount involved is fifty dollars or less, a trial tax of only \$1.00 shall be imposed and collected. In all criminal cases where the defendant is charged with violating any of the provisions of Title 8 or Title 36 of the 1940 Code of Alabama and pleads guilty, no trial tax shall be imposed or collected; and in every other criminal case where the defendant pleads guilty and no appeal is taken or where the case is not pressed upon the payment by the defendant of the costs no trial tax shall be taxed and collected."

Section 2. This Act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming law, but the amendment made by this Act shall not affect or apply to any case pending in court on the effective date hereof.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF SHELBY

Before me, the undersigned authority in and for said County in said State, this day personally appeared O. G. Dexter, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the **Shelby County Reporter**, a newspaper of general circulation published in Columbiana, Shelby County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 6, June 13, June 20, and June 27, all in the year 1963.

O. G. DEXTER,

Sworn to and subscribed before me June 28, 1963.

CONRAD M. FOWLER,
Title Judge of Probate.

Also:

By Mr. Cates:

H. 841. To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves stocked by artificially propagated upland birds in Shelby County; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF SHELBY

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves stocked by artificially propagated upland birds in Shelby County; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person, firm, or corporation desiring to operate a hunting or shooting preserve in Shelby County on which artificially propagated birds may be hunted, taken, captured, killed, or otherwise recovered, may do so upon obtaining a hunting preserve license and complying with the provisions of this Act and all rules and regulations prescribed by the director of conservation governing the operation of hunting preserves.

Section 2. Each hunting preserve shall contain a minimum of 100 acres in one tract of leased or owned land, including water area, if any, and shall be restricted to not more than 1,000 contiguous acres including water, if any. The exterior boundaries of each hunting preserve shall be bordered by a single strand of wire or such fence as is acceptable to the state director of conservation, except where rivers, creeks, roads, or other clearly defined demarcations or delineations, acceptable to the director of conservation, form the boundary or a part thereof. Signs shall be erected at intervals of not less than 150 feet around the perimeter of the tract. At the top of each sign shall appear in letters not less than 2 inches high the words, "LICENSED HUNTING PRESERVE," and such other words as the director of conservation may prescribe. No hunting preserve shall be located within one mile of any other such preserve or within one mile of any management area or refuge existing under state or federal law or regulations at the time of the establishment of such hunting preserve. No license shall be issued for any hunting preserve on which the shooting of turkeys is authorized.

Section 3. Game which may be hunted on a preserve licensed under this Act shall be artificially propagated bob-white quail, coturnix quail, pheasants, chuckar partridge, and such other species of fowl as the director of conservation shall designate. A minimum stock of at least 1,000 bob-white quail, if bob-white quail are to be hunted on the preserve, and a minimum stock of 200 of each of the other species of birds, listed above to be hunted on a licensed preserve shall be released on the licensed hunting area during each hunting season.

Section 4. The privilege license or permit fee for operating a hunting preserve shall be \$25 per year for the first 100 acres of hunting preserve area plus \$5 per year for each additional 100 acres or part

thereof. Any person who desires to operate such a hunting preserve shall first file a request with a local state game warden, or with the state department of conservation, to have the tract which he proposes to use as a hunting preserve inspected, and if it meets the requirements of this Act and the rules and regulations of the department of conservation to have a permit issued to him to procure a license to operate such hunting preserve. Upon presentation to the judge of probate of the county in which the preserve is located of a permit from the department of conservation, dated not more than thirty days prior to its presentation, accompanied by the proper license fee prescribed in this section, and an issuance fee of fifty cents, the judge of probate of the county shall issue a privilege license to operate a hunting preserve to the applicant. Privilege licenses to operate hunting preserves shall be issued on forms prescribed by the director of conservation and furnished by him to the judges of probate. All fees collected by the judges of probate for issuing hunting preserve licenses shall be remitted at the same time and in the same manner that hunting and fishing license fees are remitted and shall be paid into the game and fish fund of the state department of conservation.

Section 5. The holder of a license issued pursuant to this Act, his guests, and patrons may hunt, take, capture, kill, or otherwise recover during the year no more than 80 per cent of the total number of each species of birds released on the preserve during such year. The season during which each species of birds may be hunted, taken, captured, killed, or otherwise recovered on such preserve shall be prescribed by the state director of conservation; but in no event shall the season be longer than six months, nor shall it begin before October 1, nor extend later than March 31 of any year.

Section 6. The operators of hunting preserves shall cooperate in requests which the director of conservation might make for scientific investigations, and the department of conservation shall specify tags, if any, which hunting preserve operators shall use, the tags to be numbered consecutively, dated by year of issuance, and carry the operator's license number.

Section 7. Each hunting preserve operator shall maintain a register and record therein the names, addresses, hunting license numbers, the date on which each hunted, and the amount and species of game taken by each hunter. The operator shall also give to each hunter a certificate showing the location and license number of the preserve; the name, address and license number of the hunter; the date on which he hunted; and the amount and species of game taken by him. An accurate record by species shall also be maintained of the total number of birds raised on the preserve or purchased, and the number of each species released thereon each year. These records shall be open to inspection by any duly authorized representative of the state department of conservation at any reasonable time.

Section 8. Alabama hunting licenses shall be required of all persons hunting on licensed hunting preserves. Alabama residents shall be licensed under the regularly established game laws. Each non-resident hunting on a licensed preserve shall be required to possess a regular non-resident annual hunting license or a non-resident trip hunting license.

Section 9. Duly authorized agents of the state department of conservation, game wardens, and other law enforcement officers duly authorized to enforce game and fish laws shall have authority to enforce all game and fish laws and regulations on such preserves; and for such purposes are authorized to enter and inspect licensed hunting preserves. Violations of game and fish laws and regulations on such

hunting preserves, either by the owner, guests, or patrons of such preserves, shall be grounds for revocation of the hunting preserve license; and the director of conservation may immediately revoke a hunting preserve license upon proof that any such violations have occurred thereon.

Section 10. Any person, firm, or corporation who operates a licensed hunting preserve in violation of any provision of this Act or a duly promulgated rule of the director of conservation relative to the operation thereof shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less \$50 nor more than \$500 and at the discretion of the court may also be imprisoned for a period of not more than six months for each offense.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Sections 12. All laws or parts of laws which conflict with this Act are repealed.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF SHELBY

Before me, the undersigned authority in and for said County in said State, this day personally appeared O. G. Dexter, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Shelby County Reporter, a newspaper of general circulation published in Columbiana, Shelby County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on March 7, March 14, March 21, and March 28, all in the year 1963.

O. G. DEXTER,

Sworn to and subscribed before me June 8, 1963.

CONRAD M. FOWLER,
Title Judge of Probate.

Also:

By Mr. Cates:

H. 842. To provide that no municipality whose corporate limits do not lie within or extend into and embrace and include a portion of Shelby County shall have or exercise police jurisdiction within Shelby County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Shelby County or over or on any person in Shelby County or property or business or trade or profession in Shelby County; nor shall any such municipality levy, fix or collect any license or fee of any kind on or for the exercise of any business, trade or profession done in Shelby County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or

prescribing fines or penalties for violation thereof have force or effect in Shelby County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF SHELBY

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide that no municipality whose corporate limits do not lie within or extend into and embrace and include a portion of Shelby County shall have or exercise police jurisdiction within Shelby County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Shelby County or over or on any person in Shelby County or property or business or trade or profession in Shelby County; nor shall any such municipality levy, fix or collect any license or fee of any kind on or for the exercise of any business, trade or profession done in Shelby County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violation thereof have force or effect in Shelby County.

Be It Enacted by the Legislature of Alabama:

Section 1. No municipality whose corporate limits do not lie within or extend into and embrace and include a portion of Shelby County shall have or exercise police jurisdiction within Shelby County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Shelby County or over or on any person in Shelby County or property or business or trade or profession in Shelby County; nor shall any such municipality levy, fix or collect any license or fee of any kind on or for the exercise of any business, trade or profession done in Shelby County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violation thereof have force or effect in Shelby County.

Section 2. All laws, local, general and special, in conflict herewith applicable to Shelby County are expressly repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 4. This Act shall become operative thirty days after its passage and approval or its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF SHELBY

Before me, the undersigned authority in and for said County in said State, this day personally appeared O. G. Dexter, who, being by

me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Shelby County Reporter, a newspaper of general circulation published in Columbiana, Shelby County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 6, June 13, June 20, and June 27, all in the year 1963.

O. G. DEXTER,

Sworn to and subscribed before me June 28, 1963.

CONRAD M. FOWLER,
Title Judge of Probate.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 803, 820, 833, 834, 835, 836, 839, 840, 841 and 842 — to the Committee on Local Legislation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Cates:

H. 843. To alter and rearrange the boundaries of the Town of Alabaster, and extend the corporate limits of the municipality, making the act effective upon approval of the qualified electors of the territory to be annexed, and providing for a referendum on the proposition.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF SHELBY

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To alter and rearrange the boundaries of the Town of Alabaster, and extend the corporate limits of the municipality, making the act effective upon approval of the qualified electors of the territory to be annexed, and providing for a referendum on the proposition.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the Town of Alabaster in Shelby County are hereby altered and rearranged so as to include within the corporate limits of the municipality the following described lands in Shelby County in addition to the territory heretofore included therein:

Beginning at the Southwest Corner of Section 25, Township 20 South, Range 3, West; Thence run Easterly along the South boundary line of Section 25, Township 20 South, Range 3 West for 2645 feet, more or less to the Southeast Corner of the West $\frac{1}{2}$ of said Section 25, Township 20 South, Range 3 West; Thence run Northerly along the East boundary line of the Said $W\frac{1}{2}$ of Section 25, Township 20 South, Range 3 West for 5280 feet more or less, to the Northeast corner of the West $\frac{1}{2}$ of Section 25, Township 20 South, Range 3 West; Thence run Northerly along the East boundary line of the South $\frac{1}{2}$ of the $SW\frac{1}{4}$ of Section 24, Township 20 South, Range 3 West for 1320 feet, more or less, to the NE Corner of the $S\frac{1}{2}$ of the $SW\frac{1}{4}$ of Section 24, Township 20 South, Range 3 West; Thence run Westerly along the North boundary line of the $S\frac{1}{2}$ of the $SW\frac{1}{4}$ of Section 24, Township 20 South, Range 3 West for 2500 feet, more or less, to the point of intersection of the North boundary line of the $S\frac{1}{2}$ of the $SW\frac{1}{4}$ of Section 24, Township 20 South, Range 3 West, and the West R. O. W. line of the Louisville and Nashville R. R.; Thence run Southerly along the West R. O. W. line of said L & N R.R. for 6590 feet more or less, to a point 10 feet North of the intersection of the West R. O. W. line of said L & N R.R. and the South boundary line of Section 26, Township 20 South, Range 3 West; Thence run Westerly parallel to the said South boundary line of Section 26, Township 20 South, Range 3 West for 2430 feet, more or less to a point that is 10.0 feet North of the S. W. Corner of the $E\frac{1}{2}$ of Section 26, Township 20 South, Range 3 West; Thence run South 10 feet to the SW Corner of the $E\frac{1}{2}$ of Section 26, Township 20 South, Range 3 West; Thence run Westerly along the North boundary line of Section 35, Township 20 South, Range 3 West for 2645 feet, more or less to the NW Corner of said Section 35, Township 20 South, Range 3 West; Thence run Westerly along the North boundary line of Section 34, Township 20 South, Range 3 West for 1335.5 feet more or less to the Northwest corner of the $E\frac{1}{2}$ of the $E\frac{1}{2}$ of Section 34, Township 20 South, Range 3 West; Thence run Southerly along the West boundary line of the $E\frac{1}{2}$ of $E\frac{1}{2}$ of Section 34, Township 20 South, Range 3 West for 3981.6 feet, more or less, to the SW Corner of the $NE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 34, Township 20, South, Range 3 West; Thence run Easterly along the South boundary line of the $NE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 34, Township 20 South, Range 3 West, and the South boundary line of the $N\frac{1}{2}$ of the $SW\frac{1}{4}$ of Section 35, Township 20 South, Range 3 West for 3960 feet, more or less, to the SE Corner of the $N\frac{1}{2}$ of the $SW\frac{1}{4}$ of Section 35, Township 20 South, Range 3 West; Thence run Southerly along the East boundary line of the $S\frac{1}{2}$ of the $SW\frac{1}{4}$ of Section 35, Township 20 South, Range 3 West, for 1320 feet, more or less, to the SE Corner of the $S\frac{1}{2}$ of the $SW\frac{1}{4}$ of Section 35, Township 20 South, Range 3 West; Thence run Easterly along the South boundary line of Section 35, Township 20 South, Range 3 West for 1000 feet, more or less, to the point of intersection of the South boundary line of Section 35, Township 20 South, Range 3 West and the center line of the South Bound L & N RR; Thence run Northeasterly along the center line of said South Bound L & N RR for 980 feet, more or less, to the point of intersection of the center line of the South Bound L & N RR and the East boundary line of the $W\frac{1}{2}$ of the East $\frac{1}{2}$ of Section 35, Township 20 South, Range 3 West; Thence run Northerly along the East boundary line of the $W\frac{1}{2}$ of the $E\frac{1}{2}$ of Section 35, Township 20 South, Range 3 West for 4380 feet, more or less, to the NE Corner of the $W\frac{1}{2}$ of the $E\frac{1}{2}$ of Section 35, Township 20 South, Range 3 West; Thence run

Easterly along the North boundary line of Section 35, Township 20 South, Range 3 West for 1322.8 feet, more or less, to the point of beginning.

Section 2. The provisions of this Act shall not become effective unless the Act is approved by a majority of the qualified electors of Shelby County who reside within the territory herein-before described, voting at a referendum election which is ordered to be held not less than thirty nor more than forty-five days after the date of the enactment of this Act, the date of the election to be determined by the town governing body. Notice of the election shall be given by the clerk of the Town of Alabaster and such notice shall be published one time in a newspaper published in Shelby County at least ten days before the date of the election. The notice shall state the date on which the election is to be held and the voting place, which shall be the town hall; and the notice must give a description of the territory to be annexed to the Town of Alabaster by this Act.

The town governing body shall appoint election officials from among the qualified electors of the territory proposed to be annexed, in the number prescribed by law for holding municipal elections, who shall manage the election and tabulate the votes. The probate judge of Shelby County shall, at the request of the town clerk of Alabaster, furnish said clerk a list of the qualified electors residing in the territory proposed to be annexed to the Town of Alabaster, and all electors so listed shall be allowed to vote. The election shall be held and conducted in all respects as provided by the general laws governing municipal elections and under the same sanctions and penalties except as modified by this Act. The Town of Alabaster shall pay all cost and expense incident to the election. The governing body of the town shall cause to be prepared for the election, supplies necessary for holding the election, including ballots, which shall have printed thereon the following: "Do you favor annexation of the territory in which you reside by the Town of Alabaster in accordance with the provisions of Act No. enacted by the 1963 Legislature? Yes () No ()."

The election officials must, as soon as the polls are closed, tabulate the votes and certify the results thereof to the clerk of the Town of Alabaster. The clerk shall canvass the returns and certify the results to the governing body of the municipality and to the probate judge of Shelby County. If a majority of the qualified electors voting in the election vote in favor of annexation, the judge of probate shall make and enter an order on the records of the probate court adjudging and decreeing the corporate limits of the Town of Alabaster to be extended so as to embrace the territory hereinabove described. If a majority of the qualified electors voting in the election vote against annexation, this Act shall have no further effect. The probate judge shall certify the results of the election to the Secretary of State within sixty days after the election.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF SHELBY

Before me, the undersigned authority in and for said County in said State, this day personally appeared O. G. Dexter, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Shelby County Reporter, a newspaper of general circulation published in Columbiana, Shelby County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama,

said notice having appeared in the issues of said paper on June 6, June 13, June 20, and June 28, all in the year 1963.

O. G. DEXTER,

Sworn to and subscribed before me June 28, 1963.

CONRAD M. FOWLER,
Title Judge of Probate

Also:

By Mr. Cates:

H. 844. To alter, rearrange, and extend the boundaries of the town of Alabaster, Shelby County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF SHELBY

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange, and extend the boundaries of the town of Alabaster, Shelby County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the town of Alabaster in Shelby County are hereby altered, rearranged and extended so as to include within the corporate limits of said town the two parcels of land hereinafter described as "Parcel A" and "Parcel B", presently lying within the boundaries of the town of Siluria as follows:

Parcel A: Beginning at the Northeast corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 2, Township 21 South, Range 3 West; Thence run Southerly along the East boundary line of the said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 2, Township 21 South, Range 3 West for 200.0 feet more or less, to the point of intersection of the East boundary line of the said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 2, Township 21 South, Range 3 West with the center line of John Allen Branch; Thence run down along the center line of John Allen Branch with the meanderings thereof in a Northwesterly direction for 360.0 feet, more or less to the point of intersection of the center line of John Allen Branch and the North boundary line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 2, Township 21 South, Range 3 West; Thence run Easterly Along the North boundary line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 2, Township 21 South, Range 3 West for 280.0 feet, more or less to the point of beginning.

Parcel B: Beginning at the Northwest corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 2 Township 21, South, Range 3 West; Thence run Southerly along the West boundary line of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 2, Township 21 South, Range 3 West for 1320.8 feet, more or less, to the SW Corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 2, Township 21

South, Range 3 West; Thence run Easterly along the South boundary line of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 2, Township 21 South, Range 3 West for 180 feet, more or less, to the point of intersection of the South boundary line of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 2, Township 21 South, Range 3 West and the center line of Buck Creek; Thence run down along the center line of Buck Creek with the meanderings thereof in a northerly direction 1580 feet, more or less, to the point of intersection of the center line of Buck Creek and the North boundary line of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 2, Township 21 South, Range 3 West; Thence run Westerly along the North boundary line of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 2, Township 21 South, Range 3 West for 530 feet, more or less, to the point of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF SHELBY

Before me, the undersigned authority in and for said County in said State, this day personally appeared O. G. Dexter, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Shelby County Reporter, a newspaper of general circulation published in Columbiana, Shelby County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 6, June 13, June 20, and June 27, all in the year 1963.

O. G. DEXTER,

Sworn to and subscribed before me June 28, 1963.

CONRAD M. FOWLER,
Title Judge of Probate.

Also:

By Mr. Pruitt:

H. 846. Relating to Sumter County; declaring motor vehicles, guns, rifles, ammunition and hunting equipment used in illegal night-time deer hunting in the county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state conservation fund.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA COUNTY OF SUMTER

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Sumter County; providing for condemnation of any motor vehicle, gun, rifle, or other hunting equipment of persons convicted of night hunting in the county and providing for the disposition of the proceeds of the sale thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Any motor vehicle, or any gun, rifle or other hunting equipment customarily used in hunting game or other wild life of any kind, or any possession thereof upon the person or in any motor vehicle of any person who may be apprehended while engaging in hunting at night in Sumter County shall be contraband and shall be forfeited to the state of Alabama. Such property may be seized by the sheriff of the county or by any other officer or person acting under authority of law in the enforcement of laws of this state, and the sheriff or such other officer or person shall report the seizure and the facts connected therewith to the solicitor or any other prosecuting official of the county, giving a full description of the vehicle or other equipment seized and detained, the name of the person in whose possession it was found, the name of the person making claim to the same or any interest therein if the name is known or can be ascertained, the date of seizure, and a statement of the circumstances connected with the apprehension of the person or persons whose property has been seized.

Section 2. In order to condemn and confiscate any of the property set out in section one of this act it shall not be necessary for the solicitor or other prosecuting authority to prove possession of game or other wild life killed in night hunting or that the hunter be apprehended in the actual act of killing game but it shall suffice to prove possession upon the person or in any motor vehicle of such person of guns, ammunition, and other equipment normally used in hunting game and the time, the place, and circumstances of the apprehension sufficient to support a conviction of the offense of night hunting.

Section 3. Except as otherwise herein provided, the manner, the method and procedure for the forfeiture, condemnation, and sale of any motor vehicles or hunting equipment seized under authority of this act shall be the same as that provided by law for the confiscation, condemnation, and sale of automobiles, conveyances, or vehicles in which alcoholic beverages are illegally transported. Without limiting the generality of the foregoing sentence, the provisions of Code of Alabama 1940, Title 29, Sections 248 and 249 shall apply.

Section 4. The proceeds of the sale of any property condemned and forfeited to the state under authority of this act, after payment of all expenses in the cause, including the cost of seizure and a keeping of the property pending the proceedings, shall be paid into the state treasury to the credit of the state conservation fund.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF SUMTER

Before me, the undersigned authority in and for said County in said State, this day personally appeared Louise W. Hanley, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Bookkeeper of the Sumter County Journal, a newspaper of general circulation published in Sumter County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 13, June 20, June 27, and July 4, all in the year 1963.

LOUISE W. HANDLEY,

Sworn to and subscribed before me July 5, 1963.

DORIS HARWELL MITCHELL,
Title Notary Public.

Also:

By Mr. Pruitt:

H. 847. To alter and rearrange the boundaries of the town of Livingston, Sumter County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF SUMTER

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter and rearrange the boundaries of the town of Livingston, Sumter County.

Be It Enacted by the Legislature of Alabama:

Section 1. The town boundaries and corporate limits of the town of Livingston, Sumter County, are hereby altered, rearranged, described, and fixed, as follows:

Begin at the Northeast corner of Section 22, Township 19 North, Range 2 West. From said point of beginning run thence South along the East Section line of Sections 22, 27 and 34 to a point which is the Southeast corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 34, Township 19 North, Range 2 West; thence run West along the quarter section line to the Southwest corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 34, Township 19 North, Range 2 West to a point; thence run North along the quarter section line to the Northwest corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 34, Township 19 North, Range 2 West; thence run West along the one-half section line of Section 34, and Section 33, Township 19

North, Range 2 West to a point on the low water line on the East bank of the Sucarnoochee River; thence follow the meandering course of the Sucarnoochee River in a North - Northwesterly direction along the low water line of said River through Sections 33 and 28, Township 19 North, Range 2 West to a point where the West Section line of said Section 28, Township 19 North, Range 2 West intersects the low water line on the North or Northeast bank of the Sucarnoochee River; from said point run thence North along the West section line of Section 28, Township 19 North, Range 2 West to the Northwest corner of Section 28, Township 19 North, Range 2 West; thence run East along the North Section line of Sections 28 and 27 to the Southwest corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 22, Township 19 North, Range 2 West; thence run North along the quarter section line to the Southwest corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 22, Township 19 North, Range 2 West; thence run West to the Southwest corner of the NW $\frac{1}{4}$ of Section 22, Township 19 North, Range 2 West; thence run North along the West section line to the Northwest corner of Section 22, Township 19 North, Range 2 West; thence run East along the North Section line of Section 22, Township 19 North, Range 2 West to the said Northeast corner of said Section 22, Township 19 North, Range 2 West, the point of beginning.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF SUMTER

Before me, the undersigned authority in and for said County in said State, this day personally appeared Louise W. Hanley, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Bookkeeper of the Sumter County Journal, a newspaper of general circulation published in Sumter County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 13, June 20, June 27, and July 4, all in the year 1963.

LOUISE W. HANDLEY,

Sworn to and subscribed before me July 5, 1963.

DORIS HARWELL MITCHELL,
Title Notary Public.

Also:

By Mr. Drake:

H. 534. To amend further Code of Alabama, Title 7, Section 713, in relation to newspaper publication of legal advertisements.

Also:

By Mr. Bassett:

H. 850. Relating to Pike County. To repeal Act No. 147 approved July 19, 1955, authorizing the Court of County Commissioners of Pike County to provide a clerk for the Deputy Solicitor for Pike County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

NOTICE is hereby given that application will be made to the next regular session of the Legislature of Alabama for the passage and enactment of a bill substantially as follows, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Pike County. To repeal Act No. 147 approved July 19, 1955, authorizing the Court of County Commissioners of Pike County to provide a clerk for the Deputy Solicitor for Pike County.

Be It Enacted by the Legislature of Alabama:

Section 1. That Act No. 147 approved July 19, 1955, authorizing the Court of County Commissioners of Pike County to provide a clerk for the Deputy Solicitor for Pike County, is hereby expressly repealed.

Section 2. That this act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

STATE OF ALABAMA COUNTY OF PIKE

Before me, Louise M. Emerson, a Notary Public in and for said State and County, personally appeared M. F. Boisclair, who being sworn deposes and says on oath, that he is the Bus. Mgr. of The Troy Messenger, a newspaper published daily, in the City of Troy, Pike County, Alabama, and that the foregoing attached notice A Bill To Be Entitled An Act (Clerk for Deputy Solicitor) was published in said newspaper 4 times, the same appearing in the issues dated: May 13, 20, 27 and June 3.

M. F. BOISCLAIR,
Bus. Mgr.

Sworn to and subscribed before me this the 1 day of July 1963.

LOUISE M. EMERSON,
Notary Public
Pike County, Ala.

Also:

By Mr. Wood:

H. 856. Relating to counties having populations of not less than 15,300 nor more than 15,400; providing further for the conservation of game and fish; authorizing the director of conservation to appoint unsalaried deputy game and fish wardens for such counties.

Also:

By Mr. Wood:

H. 857. To authorize the governing body of any county having a population of not less than 15,300 nor more than 15,400 to appropriate

county funds to municipal industrial development boards within or without the county.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 843, 844, 846, 847, 534, 850, 856 and 857 — to the Committee on Local Legislation

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 236. Proposing an amendment to the Constitution regulating the power of municipalities of Mobile County to levy certain privilege license taxes.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 242. To provide and providing that in all counties in Alabama whose population is not less than 100,000 people and not more than 115,000 people according to the 1960 or any subsequent Federal decennial census that all non-profit public general hospitals which are agencies of such counties or of any city located in such counties or of both such counties and cities, and all hospital boards operating such hospitals within such counties, shall be authorized and empowered to adopt, contract for, obtain and maintain a retirement pension plan for its officers and employees or such of its officers and employees as it may determine, and to contract for, obtain and maintain a pension trust agreement with any bank, banking institution or insurance company authorized by law to act as a trustee in the State of Alabama, and to contribute and pay to such trustee all funds and monies reasonably necessary to provide for all retirement pensions provided for in said retirement pension plan and all costs or expenses of servicing the same, and to contract for, obtain and maintain policies of group life, health, accident and hospitalization insurance and insured or uninsured retirement plans for its officers and employees or for such of its officers and employees as it shall determine to be entitled thereto.

Also:

S. 258. For the relief of W. O. Cobb of Madison County; authorizing the board of county commissioners, board of revenue, or other like

governing body of Madison County to make an appropriation of county funds to compensate W. O. Cobb for certain damages.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 259. For the relief of H. E. McBride of Madison County; authorizing the board of county commissioners, board of revenue, or other like governing body of Madison County to appropriate county funds for such purpose.

Also:

S. 260. For the relief of Sammy White of Madison County; authorizing the board of county commissioners, board of revenue, or other like governing body of Madison County to make an appropriation of county funds to compensate Sammy White for certain damages.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 255. To fix and regulate the payment of the compensation and expenses of members of the county board of education of every county which has a population of not less than 50,000 nor more than 54,000.

Also:

S. 120. To provide for and require reidentification of the registered electors of Jackson County; imposing duties upon the board of registrars and other county officers, and upon the electors whose names appear on lists of qualified voters, prescribing penalties.

JOHN W. PEMBERTON,
Clerk.

UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate proceeded to consideration of the unfinished business of the Morning Session which was the Bill:

S. 8. To regulate the lending of money repayable in installments, whether secured or unsecured; to provide the maximum rate of interest and other charges on such transactions; to regulate such transactions; to prescribe penalties for violation of this Act; to define the phrase "installment loan" for the purposes of this Act; to provide for a short

title therefor so that the same may be cited as the "Installment Loan Act"; to provide for the repeal of inconsistent laws heretofore enacted; to provide exemptions from the provisions of this Act; to provide when this Act shall take effect, and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

The question was on the amendment reported by the Standing Committee on Banking, which said amendment is set out at length in the Morning Journal of the Senate for the Twenty-Fourth Legislative Day.

Mr. Tyson moved that the Committee amendment to the Bill, S. B. 8, be laid on the table, and the motion to table was lost.

Yeas 4; Nays 24.

Yeas:

Messrs. Bentley	Hornsby	Roberts	Tyson	—4
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Nays:

Messrs. Adams Allen Brannan Carter Clark Cooper	Dumas Evans Gilchrist Givhan Hammond Hawkins	Horton James Lolley Lowe Mathews McDow	Metcalf Robison (Montgomery) Shelton Smith Taylor Wilson	—24
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And the amendment reported by the Standing Committee on Banking to the Bill, S. B. 8, was then adopted.

Yeas 27; Nays 4.

Yeas:

Messrs. Adams Allen Brannan Carter Clark Cooper	Dumas Eddins Gilchrist Givhan Hammond Hawkins Horton	James Lolley Lowe Mathews McCain McDow Metcalf	Montgomery Nichols Robison (Montgomery) Shelton Smith Taylor Wilson	—27
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Nays:

Messrs. Bentley	Hornsby	Roberts	Tyson	—4
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Mr. Smith then offered the following amendment to the Bill, S. B. 8, as amended, to-wit:

AMENDMENT TO S. B. NO. 8, AS AMENDED

Amend Senate Bill No. 8:

(1) By inserting a new Section 8 to read as follows:

Sec. 8. Section 16-½ of the Act No. 374 H102, Regular Session, 1959, known as the Alabama Small Loan Act (Acts 1959, V. 2, p. 966) is hereby amended to read as follows:

Section 16- $\frac{1}{2}$. Loans of more than \$300.

When a licensee makes a loan in excess of \$300, he may contract for, collect and receive interest and charges as provided in Section 14 (1), (3) of this Act on that part of the cash advance not in excess of \$300, and on that portion of the cash advance in excess of \$300, interest and charges as authorized by Section 1 (a), 2, 3, and 5 of the Installment Loan Act. Such loan contracts shall comply with the following requirements: (a) Interest for payment according to schedule shall be precomputed from the date of the loan contract until the final installment date, subject to refund for prepayment in full as required by Section 5 of the installment loan act, (b) the loan contract shall provide for repayment of the cash advances plus interest and charges in substantially equal and consecutive monthly installments and for payment of the last scheduled installment not later than 37 calendar months from the date of the loan contract, (c) no additional charges shall be made except as permitted by Section 2 and 3 of the Installment Loan Act, (d) the supervisor may suspend or revoke the license of any licensee who violates this Section, in the manner prescribed by Section 8 of this Act, and the penalties provided for in Section 23 (c) of this Act shall apply to any person, firm or corporation violating this Section, (e) such loans shall be subject to all of the provisions of this Act as if it were a loan of less than \$300, unless otherwise provided in this Section. Nothing contained in this Section shall apply to any loan of money or forbearance of money, goods, or things in action secured in whole or in part by lien, mortgage, deed of trust, or other conveyance of real property or any interest in real property, unless this Section is specifically made applicable by a written instrument evidencing the particular loan or forbearance.

(2) And by renumbering Sections 8, 9, 10, 11 and 12 of Senate Bill No. 8 to be Sections 9, 10, 11, 12 and 13 thereof.

(3) And by amending the title of Senate Bill No. 8 to read as follows:

A Bill to be entitled an Act to regulate the lending of money repayable in installments, whether secured or unsecured; to provide the maximum rate of interest and other charges on such transactions; to regulate such transactions; to prescribe penalties for violation of this Act; to define the phrase "installment loan" for the purposes of this Act; to provide for a short title therefor so that the same may be cited as the "Installment Loan Act"; TO AMEND SECTION 16- $\frac{1}{2}$ OF THE ALABAMA SMALL LOAN ACT (Act 374, H. B. 102, General Acts 1959, v. 2, p. 966); to provide for the repeal of inconsistent laws heretofore enacted; to provide exemptions from the provisions of this Act; to provide when this Act shall take effect, and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

On motion of Mr. Gilchrist, said amendment was laid on the table.

Yeas 17; Nays 11

Yeas:

Messrs.	Carter	Hornsby	Oden
Adams	Clark	Horton	Roberts
Allen	Dumas	Lowe	Taylor
Bentley	Gilchrist	McCain	Wilson
Brannan	Hammond		

Nays:

Messrs.	Givhan	Mathews	Shelton
Cooper	Hawkins	Nichols	Smith
Eddins	James	Robison (Montgomery)	Tyson

—11

Mr. Shelton then offered the following amendment to the Bill, S. B. 8 as amended, to-wit:

AMENDMENT TO S. B. NO. 8, AS AMENDED

(1) By amending Section 1 (a) so that it will read in words and figures as follows:

"Section 1 (a): It shall be lawful to make installment loans, whether secured or unsecured in amounts of two thousand dollars or less, and to charge as interest therefor not exceeding eight dollars per one hundred dollars per annum upon the total amount of the loan from the date thereof until the maturity date of the final installment. Such charge may be precomputed and added to the principal at the time the loan is made."

On motion of Mr. Hawkins, said amendment was laid on the table.

Yeas 21; Nays 6.

Yeas:

Messrs.	Clark	Hawkins	Nichols
Adams	Dumas	Hornsby	Oden
Allen	Evans	Lolley	Robison (Montgomery)
Bentley	Gilchrist	Mathews	Smith
Brannan	Givhan	McDow	Taylor
Carter	Hammond		

—21

Nays:

Messrs.	Eddins	Roberts	Wilson
Cooper	Lowe	Shelton	

—6

Mr. Shelton then offered the following amendment to the Bill, S. B. 8, as amended, to-wit:

AMENDMENT TO S. B. NO. 8, AS AMENDED

Amend Senate Bill No. 8

(1) By amending Section 1 (a) so that it will read in words and figures as follows:

"Section 1 (a): It shall be lawful to make installment Loans, whether secured or unsecured in amounts of two thousand five hundred dollars or less, and to charge as interest therefor not exceeding eight dollars per one hundred dollars per annum upon the total amount of the loan from the date thereof until the maturity date of the final installment. Such charge may be precomputed and added to the principal at the time the loan is made."

On motion of Mr. Hawkins, said amendment was laid on the table.

Yeas 24; Nays 7.

Yeas:

Messrs.	Dumas	Hawkins	McDow
Adams	Eddins	Hornsby	Nichols
Allen	Evans	Horton	Reynolds
Bentley	Gilchrist	James	Robison (Montgomery)
Brannan	Givhan	Lolley	Smith
Carter	Hammond	Mathews	Taylor
Clark			

—24

Nays:

Messrs.	Lowe	Montgomery	Shelton
Cooper	McCain	Roberts	Wilson

—7

Mr. Shelton then offered the following amendment to the Bill, S. B. 8, as amended, to-wit:

AMENDMENT TO S. B. NO. 8, AS AMENDED

Amend Senate Bill No. 8

(1) By amending Section 1 (a) so that it will read in words and figures as follows:

“Section 1 (a): It shall be lawful to make installment Loans, whether secured or unsecured in amounts of three thousand dollars or less, and to charge as interest therefor not exceeding eight dollars per one hundred dollars per annum upon the total amount of the loan from the date thereof until the maturity date of the final installment. Such charge may be precomputed and added to the principal at the time the loan is made.”

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 120. To provide for and require reidentification of the registered electors of Jackson County; imposing duties upon the board of registrars and other county officers, and upon the electors whose names appear on lists of qualified voters, prescribing penalties.

Also:

S. 236. Proposing an amendment to the Constitution regulating the power of municipalities of Mobile County to levy certain privilege license taxes.

Also:

S. 242. To provide and providing that in all counties in Alabama whose population is not less than 100,000 people and not more than

115,000 people according to the 1960 or any subsequent Federal decennial census that all non-profit public general hospitals which are agencies of such counties or of any city located in such counties or of both such counties and cities, and all hospital boards operating such hospitals within such counties, shall be authorized and empowered to adopt, contract for, obtain and maintain a retirement pension plan for its officers and employees or such of its officers and employees as it may determine, and to contract for, obtain and maintain a pension trust agreement with any bank, banking institution or insurance company authorized by law to act as a trustee in the State of Alabama, and to contribute and pay to such trustee all funds and monies reasonably necessary to provide for all retirement pensions provided for in said retirement pension plan and all costs or expenses of servicing the same and to contract for, obtain and maintain policies of group life, health, accident and hospitalization insurance and insured or uninsured retirement plans for its officers and employees or for such of its officers and employees as it shall determine to be entitled thereto.

Also:

S. 255. To fix and regulate the payment of the compensation and expenses of members of the county board of education of every county which has a population of not less than 50,000 nor more than 54,000.

Also:

S. 258. For the relief of W. O. Cobb of Madison County; authorizing the board of county commissioners, board of revenue, or other like governing body of Madison County to make an appropriation of county funds to compensate W. O. Cobb for certain damages.

Also:

S. 259. For the relief of H. E. McBride of Madison County; authorizing the board of county commissioners, board of revenue or other like governing body of Madison County to appropriate county funds for such purpose.

Also:

S. 260. For the relief of Sammy White of Madison County; authorizing the board of county commissioners, board of revenue, or other like governing body of Madison County to make an appropriation of county funds to compensate Sammy White for certain damages.

CHARLES A. MONTGOMERY,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

FURTHER CONSIDERATION OF S. B. 8

The Senate proceeded to further consideration of the Bill, S. B. 8, as amended. The question was on the amendment offered by Mr. Shelton to the Bill, S. B. 8, as amended.

MOTION TO ADJOURN LOST

At 5:50 P. M., Mr. Allen moved that the Senate do now adjourn until Friday, July 26, 1963, at 10 o'clock A. M., which motion was lost.

Yeas 10; Nays 15.

Yeas:

Messrs.	Hammond	Lowe	Oden	
Allen	Horton	McCain	Shelton	
Cooper	James	Montgomery		—10

Nays:

Messrs.	Dumas	Lolley	Roberts	
Adams	Evans	McDow	Robison (Montgomery)	
Carter	Gilchrist	Metcalf	Taylor	
Clark	Hornshy	Reynolds	Wilson	—15

FURTHER CONSIDERATION OF S. B. 8

The Senate proceeded to further consideration of the Bill, S. B. 8, as amended. The question was on the amendment to the Bill, as amended, offered by Mr. Shelton.

REPORT FROM RULES

Mr. Adams, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report to-wit:

S. J. R. 34. Appointing an Interim Committee to determine the feasibility of rearranging the Hall of the House of Representatives and the Senate Chamber so as to isolate members and necessary clerical personnel during sessions.

REPORT FROM RULES

Mr. Adams, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 86. Relative to special constitutional amendment election ordered to be held Tuesday, August 13, 1963 - ordering said election to be held on the first Tuesday after the expiration of three months from final adjournment of the 1963 Regular Session of the Legislature.

And said Resolution was then concurred in and adopted by the Senate.

FURTHER CONSIDERATION OF S. J. R. 34

The Senate proceeded to further consideration of the Resolution. S. J. R. 34.

MOTION TO ADJOURN LOST

At 6:40 P. M., Mr. Allen moved that the Senate now adjourn until Friday, July 26, 1963, at 10 o'clock A. M., which motion was lost.

Yeas 11; Nays 15.

Yeas:

Messrs.	Cooper	Lowe	Oden
Adams	Hammond	McCain	Shelton
Allen	James	Montgomery	Wilson

—11

Nays:

Messrs.	Evans	Horton	Reynolds
Bentley	Gilchrist	Lolley	Roberts
Brannan	Hawkins	McDow	Robison (Montgomery)
Clark	Hornsby	Nichols	Tyson

—15

FURTHER CONSIDERATION OF S. J. R. 34

The Senate proceeded to further consideration of the Resolution, S. J. R. 34.

MOTION IN WRITING

Messrs. Cooper and Hawkins offered the following Motion in Writing, to-wit:

"MOTION IN WRITING

We move that Senate Joint Resolution Number 34 now be recommitted to the Committee on Rules.

Cooper and Hawkins"

MOTION TO ADJOURN LOST

At 7:36 P. M., Mr. Eddins moved that the Senate now adjourn until Friday, July 26, 1963, at 10 o'clock A. M., which motion was lost.

Yeas 13; Nays 13.

Yeas:

Messrs.	Hammond	Montgomery	Taylor
Bentley	James	Robison (Montgomery)	Tyson
Cooper	Lowe	Shelton	Wilson
Eddins	McCain		

—13

Nays:

Messrs.	Evans	Hornsby	Metcalf
Adams	Gilchrist	Lolley	Nichols
Brannan	Givhan	McDow	Reynolds
Clark	Hawkins		

—13

FURTHER CONSIDERATION OF S. J. R. 34

The Senate proceeded to further consideration of the Resolution, S. J. R. 34. The question was on the motion by Messrs. Cooper and Hawkins that said Resolution be recommitted to the Standing Committee on Rules.

ADJOURNMENT

At 8:10 P. M., on motion of Mr. Lowe, pending further consideration of S. B. 8 and S. J. R. 34, the Senate adjourned until Friday, July 26, 1963, at 10 o'clock A. M.

Yeas 16; Nays 11.

Yeas:

Messrs.	Cooper	Lowe	Robison (Montgomery)
Adams	Eddins	McCain	Shelton
Allen	Hammond	Montgomery	Tyson
Bentley	Hornsby	Roberts	Wilson
Brannan			—16

Nays:

Messrs.	Dumas	Givhan	Metcalf
Carter	Evans	Hawkins	Nichols
Clark	Gilchrist	James	Reynolds
			—11

TWENTY-FIFTH LEGISLATIVE DAY

FRIDAY, JULY 26, 1963

The Senate met pursuant to adjournment, Lieutenant Governor Allen presiding.

PRAYER

The Session was opened with prayer by the Reverend Jerry Maddox, Pastor, Gastonburg Circuit for the Methodist Church.

ROLL CALL

Present:

Messrs.	Eddins	Lolley	Reynolds
Adams	Evans	Lowe	Roberts
Allen	Gilchrist	Mathews	Robison (Montgomery)
Bentley	Givhan	McCain	Robison (Pickens)
Brannan	Hammond	McDow	Shelton
Carter	Hawkins	Metcalf	Smith
Clark	Hornsby	Montgomery	Taylor
Cooper	Horton	Nichols	Tyson
Dumas	James	Oden	Wilson

JOURNAL

On motion of Mr. Nichols, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

WILLIAM C. McCAIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. McCain, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Fourth Legislative Day was approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Roberts:

S. 356. Relating to counties having populations of not less than 115,000 nor more than 160,000; further regulating the sale of alcoholic beverages in such counties and certain municipalities therein.

Committee on Local Legislation.

By Mr. Roberts:

S. 357. Authorizing any municipality having a population of not less than seventy thousand nor more than one hundred thirty thousand according to the most recent federal decennial census to create a planning commission having certain powers, duties, and regulations.

Committee on Local Legislation.

By Mr. Roberts:

S. 358. To amend the title to and Sections 1 and 2 of Act No. 756 adopted at the 1951 Regular Session of the Legislature of Alabama so as to include the acquisition, enlargement, improvement and expansion of research projects.

Committee on Municipalities
and Municipal Organizations.

By Mr. Roberts:

S. 359. Relating to counties having populations of not less than 110,000 nor more than 160,000; creating an educational survey com-

mittee to study, evaluate and make recommendations to the boards of education of such counties for improvements in the public school systems of the county; and making appropriations.

Committee on Local Legislation.

By Mr. Roberts:

S. 360. To amend the Title and Sections 1 and 2 of Act No. 648, adopted at the Regular Session of the Legislature of Alabama (1949 Acts, p. 991 et seq), as heretofore amended, so as to include research projects.

Committee on Municipalities
and Municipal Organizations.

By Mr. Hawkins:

S. 361. To provide for the entering of additurs and remittiturs by the trial court; to provide for the filing of additurs and remittiturs under protest and to provide for repeals therefrom.

Committee on Judiciary.

By Mr. Hawkins:

S. 362. Relating to civil remedies and procedures; limiting the issues for determination on new trial granted on grounds relating only to the amount of damages assessed or recovered.

Committee on Judiciary.

By Mr. Robison (Pickens):

S. 363. Relating to Pickens County; providing for appointment of the county superintendent of education, and for his tenure, qualifications, and compensation; repealing conflicting laws.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF PICKENS

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Pickens County; providing for appointment of the county superintendent of education, and for his tenure, qualifications, and compensation; repealing conflicting laws.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Upon the expiration of the term of the incumbent shall possess such qualifications, county superintendent of education of

Pickens County, the superintendent shall be appointed by the county board of education for a term of from two to four years, from the first day of July next succeeding his appointment. He perform such duties, and exercise such authority as may be prescribed by law.

Section 2. The compensation and allowances of the county superintendent of education shall be as fixed by the county board of education before he enters upon the term for which he is appointed.

Section 3. The provisions of Act No. 279, H. 850, Regular Session 1935 (Local Acts 1935, p. 168), in conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

THE STATE OF ALABAMA,
PICKENS COUNTY,

Before me, Euteal V. Junkin, a Notary Public in and for said County, personally appeared J. Groce Pratt Publisher of The Pickens County Herald & West Alabamian, a newspaper published in said County, who, being by me first duly sworn, states that the attached notice has been regularly published once a week for 4 consecutive weeks in said paper in issues dated as follows: July 4, July 11, July 18, July 25, 1963.

J. GROCE PRATT,

Subscribed and sworn to before me, this the 25 day of July, 1963.

EUTEAL V. JUNKIN,
Notary Public.

By Messrs. Cooper, Lolley and Hawkins:

S. 364. To provide for the transfer of any surplus in the State Treasury to the credit of the Alabama Special Educational Trust Fund after the payment of all appropriations now or hereafter made payable from said funds for each of the fiscal years ending September 30, 1964, and September 30, 1965 to the Alabama State Building Commission to be used as a part of the Building Commission Fund.

Committee on Finance and Taxation.

By Mr. Robison (Pickens):

S. 365. To amend Section 1 of Act No. 278, H. 849, Regular Session 1935, an act providing for the nomination and election of members of the court of county commissioners of Pickens County.

Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF PICKENS

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 1 of Act No. 278, H. 849, Regular Session 1935, an act providing for the nomination and election of members of the court of county commissioners of Pickens County.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1 of Act No. 278, H. 849, Regular Session 1935, an act providing for the nomination and election of members of the court of county commissioners of Pickens County (Local Acts 1935, p. 167) is hereby amended to read as follows:

"Section 1. That in all primary elections to be held in Pickens County, Alabama, for the nomination of members of the Court of County Commissioners of or for said County, candidates for said member or members shall be voted for by the qualified voters of the entire County, under such rules and regulations as may be adopted and promulgated by the governing body of the political party calling such primary election; however, no person shall be eligible for such nomination unless such person resides in the district said person proposes to represent. All candidates for the office of member of the Court of County Commissioners of said County shall be voted for at the general election by the qualified voters of the entire County."

THE STATE OF ALABAMA,
PICKENS COUNTY

Before me, Euteal V. Junkin, a Notary Public in and for said County, personally appeared J. Groce Pratt Publisher of The Pickens County Herald & West Alabamian, a newspaper published in said County, who, being by me first duly sworn, states that the attached notice has been regularly published once a week for 4 consecutive weeks in said paper in issues dated as follows: July 4, July 11, July 18, July 25, 1963.

J. GROCE PRATT,

Subscribed and sworn to before me, this the 25 day of July, 1963.

EUTEAL V. JUNKIN,
Notary Public.

By Mr. Roberts:

S. 366. Relating to counties having populations of not less than 115,000 nor more than 165,000; authorizing the court of county com-

missioners, board of revenue or like governing body to create a special revolving fund for the purpose of purchasing and selling federal revenue stamps as a service to the general public.

Committee on Local Legislation.

By Messrs. Adams and Metcalf:

S. 367. To make an appropriation to the state board of education for certain capital outlays.

Committee on Finance and Taxation.

By Mr. Gilchrist:

S. 368. To make appropriations for the continuation of certain functions of the state government in the event a regular biennial session of the legislature is adjourned sine die before the general appropriation bill has been passed by both houses of the legislature.

Committee on Public Buildings and Grounds.

By Mr. Givhan:

S. 369. To make a conditional appropriation to the State Fair Authority to aid in the construction of a livestock exhibit building.

Committee on Finance and Taxation.

By Mr. Reynolds:

S. 370. To make an additional appropriation to the state superintendent of education for the purpose of contracting with Tuskegee Institute for undergraduate and graduate instruction in engineering.

Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Thomas:

H. 709. To make an appropriation from the state treasury to the use of the board of education of Barbour County for completing the construction and equipment of a new public school building at Clayton.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 709 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Goodwyn, Brewer, Etheredge, Bowers, Callahan, Brown (Jefferson), Cornett, Teel, Hain, Perry, Sessions, Locke, Beville, Rogers, Turner (Crenshaw), Hogan, Engel, McDermott, Jones (Monroe), Burnham, Bolton, Holladay, NeSmith, Nabors, Drake, Vacca, Gilmore, Dominick, Slate, Moore, Steagall, Mashburn, Campbell (Jackson), Bassett, Wood, Edington, Pruitt, Bethea (B), Baker (Madison), Posey and Blanton:

H. 261. Relating to the compensation of circuit judges in Alabama.

Also:

By Mr. Turner (Crenshaw):

H. 734. To amend Section 1 of Act No. 912, Regular Session 1961, H. 1292, approved September 8, 1961, entitled "An Act To Amend Section 348 Title 51, Code of Alabama 1940, and to repeal all laws, and parts of laws, General or Special, In Conflict Herewith," which Act and this Amendment thereto relate to the imposition of a franchise tax on foreign corporations doing business in the State based on the actual amount of its capital employed in the State, defining capital, providing for a method of determining the actual amount of its capital so employed and establishing such determination as a rebuttable presumption as to the actual amount of its capital so employed, providing for exclusions and deductions from the amount of capital so determined and repealing all laws and parts of laws in conflict herewith.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 261 and 734 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Collins:

H. J. R. 95. WHEREAS, John Clifford Giles, a native son of Alabama has distinguished himself by contributing his literary talents to the people of Alabama and the entire country, and

WHEREAS, John Clifford Giles, has recently brought credit and honor to himself by collaborating with Bruce Palmer in the writing and publishing of the novel, HORSESHOE BEND, the story of the Creek Nation which was vanquished on an Alabama battleground in 1814, and

WHEREAS, the novel is soon to be filmed and will bring further credit to John Clifford Giles and the State of Alabama; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES CONCURRING, That we recognize and honor John Clifford Gilles as an author and loyal native son of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDow, the Rules were suspended and the Resolution, HJR 95, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Sullivan:

H. J. R. 98. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That part of State Highway No. 159 leading from U. S. Highway 82 at Gordo to the Fayette County line shall be named the Lewis Davis Highway in recognition of Dr. Lewis Davis, former county commissioner of Pickens County, who was instrumental in having this farm to market road made a state highway; and the State Highway Department shall cause appropriate markers to be erected along said highway designating its name.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Robison (Pickens), the Rules were suspended and the Resolution, HJR 98, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Messrs. Bolton and Camp:

H. J. R. 99. WHEREAS Mr. Newman Franklin Nunnelley, superintendent of schools in Talladega County, passed away on July 6, 1963; and

WHEREAS Mr. Nunnelley devoted his life to a long and successful career in the educational field and to public school administration in particular, having served as a principal in the public schools of the state from 1930 to 1947 since which time he had held the position of superintendent of schools in Talladega County for sixteen years until his untimely death; and

WHEREAS Mr. Nunnelley was an eminently qualified administrator by education as well as by experience being a graduate of Jacksonville State Teacher College and the University of Alabama from which institutions he was awarded the B. S. and M. A. degrees respectively, and having studied further at Columbia University; and

WHEREAS Mr. Nunnelley had a wide variety of interests and was a leader or key mover in many activities. At Holt High School he organized Hi-Y and Tri-Y Clubs for boys and girls, the National Honor Society, and the school band. He also taught a bible class and served on the Board of Deacons at the Holt Baptist Church. At Talladega he was active in the Citizens for Progress Movement; served on the rural scouting committee of the National Boy Scouts of America of which he was a member; contributed immeasurably to the work of 4-H Clubs and the F.F.A.; was a member and director of the Kiwanis Club; deacon of the First Baptist Church; member of the Chamber of Commerce; secretary and later director of the United Givers Fund; vice-chairman and member of the executive committee of the American Red Cross; member of the Citizen's Advisory Committee to the Program Board of the American Educational Television Committee; and had recently been elected president of the Alabama Association of School Administrators after having previously served so ably as secretary-treasurer; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That the State of Alabama suffered a severe loss in the passing of Mr. Nunnelley who contributed so much to our people and particularly to our youth.

BE IT FURTHER RESOLVED that this body extends its deepest regret and sincere sympathy to the surviving members of Mr. Nunnelley's family.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Mrs. Newman Franklin Nunnelley and a copy to the members of the Talladega County board of education.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Nichols, the Rules were suspended and the Resolution, HJR 99, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Pennington, Reynolds, Baker (Madison):

H. J. R. 96. WHEREAS, Our friend and colleague, Honorable Joe S. Foster, Jr., of Madison County underwent a serious operation recently and is now confined to the Huntsville Hospital in Huntsville, Alabama; and

WHEREAS, Mr. Foster had served with distinction as a member of the Senate of the State of Alabama during the Persons Administration; and

WHEREAS, Mr. Foster had served both notably and admirably as a member of the Public Service Commission during the Patterson Administration; now

THEREFORE BE IT RESOLVED BY THE HOUSE REPRESENTATIVES, THE SENATE CONCURRING, That the Legislature of Alabama expresses its concern over the welfare and condition of this outstanding statesman in recognition of his many years of devoted and esteemed service to his state and fellowman and wishes for him a rapid recovery.

BE IT FURTHER RESOLVED That the Clerk of the House be directed to send a copy of this Resolution to Honorable and Mrs. Joe S. Foster, Jr.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Roberts, the Rules were suspended and the Resolution, HJR 96, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Dumas, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwyn (With Amendment):

H. 581. To provide Supernumerary Circuit Solicitors of the State; to provide the conditions under which a Solicitor of the Circuit Court may become a Supernumerary Circuit Solicitor; to prescribe the qualifications, tenure in office, duties, powers, authority, compensation and the method of removal from office of such Supernumerary Circuit Solicitor and to appropriate funds for the payment of such compensation.

Mr. Dumas, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hornsby (With Substitute):

S. 257. Further regulating proceedings in divorce cases; amending Code of Alabama 1940, Title 34, Sections 29 and 39, and imposing docketing and filing fees in divorce suits.

Mr. Dumas, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Roberts and Dumas (With Amendment):

S. 320. Relating to public school administration; providing further for selection, approval, adoption, purchase, and distribution of textbooks; repealing conflicting laws.

Mr. Dumas, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hawkins:

S. 249. Relating to courts, authorizing the Supreme Court of Alabama to receive and answer questions certified by the Supreme Court of the United States, circuit courts of appeals of the United States or the Court of Appeals of the District of Columbia.

By Messrs. Robison (Montgomery), Hawkins, Dumas, McDow and Roberts:

S. 347. To prescribe the time in which appeals may be made to the Supreme Court or to the Court of Appeals from decrees affecting the custody of children; and to provide that such cases so appealed shall be considered preferred cases.

By Mr. Willson:

S. 16. To amend Title 55, Section 296, Code of Alabama 1940, as amended, which relates to State Personnel Board.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Fite et al:

H. 357. To make annual appropriations for the support, maintenance, and development of public education in Alabama for each of the fiscal years ending September 30, 1964 and September 30, 1965, including

all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Board of Trustees of Alabama College, the Board of Trustees of Auburn University, the Board of Trustees of the University of Alabama, the Board of Trustees of the Alabama Institute for Deaf and Blind, the Board of Trustees of the Alabama Boys Industrial School, the Board of Trustees of the Alabama Industrial School for Negroes, the Board of Trustees of the State Training School for Girls, the Alabama Educational Television Commission, and for the Teachers' Retirement System.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Fite et al (With Amendment):

H. 358. To make an appropriation to the State Superintendent of Education for the purpose of contracting with Tuskegee Institute for undergraduate and graduate instruction of Alabama residents in engineering, veterinary medicine, nursing, home economics and agriculture.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Fite:

H. 574. To amend Section 787, Title 51, Code of Alabama, 1940, as amended, so as to further define the term "sale at wholesale" to include therein parts or materials used in repairing or reconditioning tangible personal property for sale.

By Mr. Fite:

H. 575. To amend Section 1, Act No. 100, Second Special Session 1959, so as to further define the term "sale at wholesale" to include therein parts or materials used in repairing or reconditioning tangible personal property for sale.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Edward (Lowndes), Camp and Bolton (With Amendment):

H. 50. To provide further for assistance to blind persons.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Rogers et al:

H. 577. To fix the compensation of the director of the Legislative Reference Service; repealing conflicting laws.

By Mr. Avery et al:

H. 615. To fix the pay of election officers; repealing conflicting laws.

By Mr. Evans:

S. 162. To make an appropriation of highway department funds for the relief of Thomas Jefferson Gibson and Fred Hendricks Dees.

By Mr. Nichols:

S. 334. To provide an appropriation of funds which are available to the Division of Employment Security of the Alabama Department of Industrial Relations out of funds credited to this State's account in the Unemployment Trust Fund by the Secretary of the Treasury of the United States of America, pursuant to Section 903 of the Social Security Act, as amended, for the purpose of acquiring land or lands adjoining or adjacent to the building now being built by the State of Alabama on the north side of Monroe Street in the City of Montgomery to be occupied by the Division of Employment Security of the Department of Industrial Relations of the State of Alabama, said land or lands to be used for automobile parking purposes by employees of the said Division of Employment Security.

By Mr. Nichols:

S. 335. To provide for the liquidation of the obligation of the State of Alabama to the Treasurer of the United States as a result of benefits paid under the Temporary Unemployment Compensation Act of 1958.

By Mr. Fite et al:

H. 359. To make appropriation for the support and maintenance of the Southern Industrial Institute.

By Mr. Fite et al:

H. 360. To make an appropriation for the support and maintenance of the Walker County Junior College, located at Jasper, in Walker County.

By Mr. Fite et al:

H. 361. To make appropriations from the state treasury for support and maintenance of the Marion Institute, located in Perry County.

By Mr. Fite et al:

H. 362. To make an appropriation for the support and maintenance of the Alabama Vocational School for Girls.

By Messrs. Turnham, Wood, Teel and Cook:

H. 283. To Amend further Section 1 of Act No. 691, S. 284, approved September 5, 1951, (Acts of Alabama, p. 1192), entitled "An

Act to fix the compensation of Court Reporters, and providing for the payment thereof."

By Messrs. Brannan, Cooper and Taylor:

S. 355. To authorize and create an additional judge of the Twenty-first Judicial Circuit of Alabama and to provide for his election, jurisdiction, powers, authority and qualifications; to render him liable to all the pains and penalties of the other circuit judges of the state; to provide for the designation of each of the two offices of circuit judge of said circuit by number and to provide for the salary of said judge.

By Mr. Goodywn et al:

H. 191. To amend Code of Alabama 1940, Title 55, Section 186, prescribing fees to be charged by the secretary of state for the performance of certain services.

By Messrs. Goodwyn, Crawford and Turner (Crenshaw):

H. 264. To amend Section 13, of Act No. 320, Regular Session 1949 regulating the use of trust receipts; providing fees to be charged by the Secretary of State for certain services in connection with filing trust receipt documents.

By Mr. Hawkins:

S. 90. To amend Title 22, Section 199, Code of Alabama 1940, as amended, which relates to care and treatment of tubercular patients.

By Mr. Rogers et al:

H. 417. To amend Act No. 100, H. 94, Second Special Session 1959, entitled "An Act To raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented," so as to provide an exemption from such taxes on sales of fuel and supplies for use or consumption on certain ships and towing vessels.

By Mr. Engel et al:

H. 501. To amend Section 254 of Title 13 of the Code of Alabama of 1940, (Act No. 315, H. 459, approved Oct. 29, 1959) which relates to the appointment and compensation of Deputy Solicitors of the Thirteenth Judicial Circuit.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Cooper, Hawkins and Carter (With Amendment):

S. 65. Proposing an amendment to the Constitution of Alabama relating to the issuance and sale of revenue bonds by counties.

The above Bill was read a second time at length as required by the Constitution.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the

following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Dumas:

S. 344. To make an appropriation to the Alabama Boys Industrial School for the construction, reconstruction, alteration and improvement of school facilities, including the construction and equipment of a gymnasium.

By Mr. Pierce et al:

H. 96. To amend Title 51, Section 646, Code of Alabama, 1940, as amended.

By Mr. Pierce et al:

H. 249. To amend Section 12 (2) of Title 51, Code of Alabama 1940 relating to exemptions from any and all state, county and municipal taxes, licenses, fees, and charges of any nature whatsoever.

By Mr. Eddins:

S. 214. To make an appropriation from the state treasury in aid of the erection of a monument on the Gettysburg Battlefield.

By Mr. Avery et al:

H. 235. To provide for the issuance of special motor vehicle license tags or plates to certain disabled veterans, prescribing penalties for misuse of such tags or plates.

By Messrs. Callahan, Campbell (Tuscaloosa) and Brown (Tuscaloosa):

H. 108. To amend further Section 2 of Title 51, Code of Alabama 1940, in relation to the amount of property of blind persons exempted from ad valorem taxation.

By Messrs. Callahan, Campbell (Tuscaloosa) and Brown (Tuscaloosa):

H. 109. To amend Section 832 of Title 51, Code of Alabama 1940, in relation to the amount of exemption for blind persons from state, county, or municipal privilege licenses.

Mr. Carter, Vice-Chairman of the Standing Committee on Insurance, reported that said Committee, in Session had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hornsby (With Substitute):

S. 312. Relating to insurance; further regulating cancellation or lapsing of certain insurance policies for failure to pay premiums; repealing conflicting laws.

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bassett (With Notice and Proof):

H. 850. Relating to Pike County. To repeal Act No. 147 approved July 19, 1955, authorizing the Court of County Commissioners of Pike County to provide a clerk for the Deputy Solicitor for Pike County.

Mr. Taylor, Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Crawford (With Substitute):

H. 154. To empower the governing body of every city and town in the State to declare certain records of the city or town, or municipal board of the city or town, to be obsolete and to authorize the destruction of such records; defining "public record", "municipal board", "governing body", "permanent record", and other terms and phrases for the purposes of this Act; prescribing the procedure to be followed by the governing body of the city or town in the exercise of this power; relieving the custodian of records destroyed pursuant to this authority from further responsibility for the keeping or saving of such records; repealing all laws in conflict with the provisions of this Act to the extent of such conflict; and providing for the severability of the provisions of this Act.

Mr. Lowe, Chairman of the Standing Committee on Printing, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Bentley and Brannan:

S. 340. Relating to the publication of legal notices; providing for supplemental publication of notices by radio or television broadcasting stations.

Mr. Allen, Chairman of the Standing Committee on Public Roads and Highways, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Allen, Metcalf and Robison (Montgomery) (With Amendment):

S. 245. Relating to motor vehicles; to provide for issuance of distinctive license plates or tags for use on private passenger motor vehicles of state commanders and state executive officers of certain patriotic organizations.

Mr. Allen, Chairman of the Standing Committee on Public Roads and Highways, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Carter (With Substitute):

S. 283. To regulate automobile clubs and associations; to provide for the issuance of certificates of authorization, to regulate the conduct

of such clubs and associations; to provide for license fees, and for the collection thereof; to authorize the promulgation of rules and regulations; to confer powers upon the Superintendent of Insurance necessary for the administration of this Act; to prescribe penalties.

Mr. Allen, Chairman of the Standing Committee on Public Roads and Highways, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Fite:

H. 183. To amend further Section 1 of the Farm to Market Road Act of 1943 in relation to the definition of terms as used in the act.

By Messrs. Brown (Tuscaloosa), Edwards (Escambia), Hannah:

H. 203. Relating to highways; providing for safety stripes along the center of state, interstate and county highways.

By Messrs. Avery, Young and Barnett:

H. 41. To amend Act No. 688, H. 336, Regular Session 1953 (Acts 1953, v. 2, p. 940) in relation to the operation of certain trailers on the highways of the state under certain conditions.

By Mr. Allen:

S. 31. Relating to trade and commerce; prohibiting persons, firms, companies, partnerships, corporations, or other organizations from engaging in the business of promoting the use or issuing or selling of trading stamps to merchants in this state, prescribing penalties.

Mr. Evans, Chairman of the Standing Committee on Forestry and Conservation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Roberts:

S. 143. To amend Code of Alabama 1940, Title 47, Section 62, which relates to certain conveyances of state lands.

Mr. Evans, Chairman of the Standing Committee on Forestry and Conservation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Evans (With Amendment):

S. 285. To provide a program for the protection of forest trees from insect infestation and disease. To establish a system and method for the suppression of infestation and disease in forest trees. To provide for cooperative agreements with the Federal Government, other agencies and persons. To provide for a fund known as the "Control of Forest Tree Insects and Diseases Fund".

By Mr. Roberts (With Amendment):

S. 292. To authorize and provide a system for the charging of entrance or user fees for the facilities of the State Parks System; to grant authority to the Director of Conservation to provide by regulation the method for changing and collecting such fees; to provide authority for the issuance, if the Director of Conservation deems appropriate, of annual car sticker decals through the probate judges and license commissioners of this State, which stickers would authorize admittance to such facilities; to provide for the disposition of all monies collected from such fees; to provide penalties for a violation of the provisions of this Act or any regulation of the Director of Conservation issued pursuant to the provisions of this Act.

Mr. Evans, Chairman of the Standing Committee on Forestry and Conservation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McCorquodale:

H. 131. To clarify and codify the common law with respect to the duty of care owed by landowners towards persons who may be upon their premises for hunting, fishing, sporting or recreational purposes and not for purposes connected with the landowner's business.

By Mr. Avery et al:

H. 379. To amend Section 567, Title 52, Code of Alabama 1940, which relates to the time when title to sixteenth section lands may be acquired by adverse possession.

UNFINISHED BUSINESS

The Senate proceeded to consideration of the unfinished business for today, the first of which was the Resolution:

S. J. R. 34. Creating an Interim Committee to determine feasibility of remodeling Senate Chamber and Hall of House of Representatives.

The question was on the motion by Messrs. Cooper and Hawkins that said Resolution be recommitted to the Standing Committee on Rules.

ADJOURNMENT

At 2:45 P. M., Mr. Hawkins moved that the Senate adjourn until Tuesday, July 30, 1963, at 12.01 A. M.

Mr. Cooper moved as a substitute motion that the Senate adjourn until Tuesday, July 30, 1963, at 12 o'clock noon, which motion was lost.

Yeas 5; Nays 23.

Yeas:

Messrs.
Cooper

Hammond
Hornsby

Lowe

Shelton

Nays:

Messrs.	Dumas	Horton	Reynolds
Adams	Eddins	James	Robison (Montgomery)
Bentley	Evans	Lolley	Robison (Pickens)
Brannan	Gilchrist	McDow	Smith
Carter	Givhan	Metcalf	Taylor
Clark	Hawkins	Nichols	Wilson

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The question recurred on the motion of Mr. Hawkins, and at 2:50 P. M., pending further consideration of S. J. R. 34 and S. B. 8, the Senate did adjourn until Tuesday, July 30, 1963, at 12:01 A. M.

TWENTY-SIXTH LEGISLATIVE DAY

TUESDAY, JULY 30, 1963

The Senate met pursuant to adjournment, Lieutenant Governor Allen presiding.

PRAYER

The Session was opened with prayer by Honorable C. M. Wilson, Chaplain of the Senate.

ROLL CALL

Present:

Messrs.	Evans	Lolley	Reynolds
Adams	Gilchrist	Mathews	Roberts
Allen	Givhan	McCain	Robison (Montgomery)
Bentley	Hammond	McDow	Robison (Pickens)
Brannan	Hawkins	Metcalf	Shelton
Carter	Hornsby	Montgomery	Taylor
Clark	Horton	Nichols	Tyson
Cooper	James	Oden	Wilson
Eddins			

—32

JOURNAL

On motion of Mr. Nichols, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

WILLIAM C. MCCAIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. McCain, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Fifth Legislative Day was approved by the Senate.

RESOLUTION

Mr. Cooper offered the following Senate Journal Resolution, to-wit:

S. J. R. 37. RESOLVED BY THE SENATE, THE HOUSE CONCURRING, That there shall be a committee of three members of each house to study and report back to each house their recommendations concerning the final draft (1957) of "Alabama Rules of Civil Procedure" prepared by the Commission for Judicial Reform, which document is in words and figures as follows, to-wit:

Which was read and referred to the Standing Committee on Rules.

UNFINISHED BUSINESS

The Senate proceeded to consideration of the unfinished business for today, the first of which was the Resolution:

S. J. R. 34. Relative to an Interim Committee being appointed to study and determine the feasibility and practicality of rearranging the Hall of the House of Representatives and the Senate Chamber.

The question was on the motion of Messrs. Cooper and Hawkins to recommit the Resolution to the Standing Committee on Rules.

MOTION TO RECESS LOST

At 1:25 A. M., Mr. McCain moved that the Senate now take a recess until 12 o'clock Noon today, which motion was lost.

Yeas 6; Nays 20.

Yeas:

Messrs.	Cooper	McCain	Taylor	
Allen	Hammond	Montgomery		—6

Nays:

Messrs.	Givhan	McDow	Robison (Montgomery)	
Adams	Hawkins	Metcalf	Robison (Pickens)	
Bentley	James	Nichols	Shelton	
Brannan	Lolley	Oden	Tyson	
Carter	Mathews	Reynolds	Wilson	
Clark				—20

FURTHER CONSIDERATION OF S. J. R. 34

The Senate proceeded to further consideration of the Resolution, S. J. R. 34. The question was on the motion by Messrs. Cooper and Hawkins to recommit said Resolution to the Standing Committee on Rules.

MOTION TO RECESS LOST

At 2:35 A. M., Mr. McCain moved that the Senate now take a recess until 12 o'clock Noon today, which motion was lost.

Yeas 6; Nays 15.

Yeas:

Messrs.	Cooper	McCain	Taylor	
Allen	Hammond	Montgomery		—6

Nays:

Messrs.	Clark	Mathews	Robison (Montgomery)	
Adams	Hawkins	McDow	Robison (Pickens)	
Bentley	James	Oden	Shelton	
Carter	Lolley	Reynolds	Wilson	—15

FURTHER CONSIDERATION OF S. J. R. 34

The Senate proceeded to further consideration of the Resolution, S. J. R. 34. The question was on the motion by Messrs. Cooper and Hawkins to recommit said Resolution to the Standing Committee on on Rules.

Mr. McCain offered as a substitute motion that the Resolution, S. J. R. 34, be indefinitely postponed.

Mr. Hawkins then moved that S. J. R. 34 be laid on the table and the motion to table prevailed.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to further consideration of the unfinished business for today, which was the Bill:

S. 8. To regulate the lending of money repayable in installments, whether secured or unsecured; to provide the maximum rate of interest and other charges on such transactions; to regulate such transactions; to prescribe penalties for violation of this Act; to define the phrase "installment loan" for the purposes of this Act; to provide for a short title therefor so that the same may be cited as the "Installment Loan Act"; to provide for the repeal of inconsistent laws heretofore enacted; to provide exemptions from the provisions of this Act; to provide when this Act shall take effect, and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

The question was on the amendment offered by Mr. Shelton to the Bill, as amended, which said amendment is set out at length in the Journal of the Senate for the Twenty-Fourth Legislative Day.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Snell:

H. 713. Relating to Chambers County; providing for the relief of Tommie Lee Culbertson and appropriating county funds for such purpose.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

STATE OF ALABAMA, COUNTY OF CHAMBERS

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Chambers County, providing for the relief of Tommie Lee Culbertson and appropriating county funds for such purpose.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The sum of \$250.20 is hereby appropriated to the use and benefit of Tommie Lee Culbertson of Chambers County from the public road and bridge fund or other highway funds of Chambers County, as the court of county commissioners, board of revenue, or other like governing body of the county may direct to compensate him for personal injuries suffered and damages sustained as a result of an accident which occurred on July 6, 1962 under such circumstances and conditions that Chambers County is justly obligated to pay the same.

Section 2. The officer charged by law with the duty of drawing warrants on the county treasury shall draw his warrant in favor of Tommie Lee Culbertson for the amount herein appropriated upon his execution of a release in favor of Chambers County of any and all claims against the county on account of or arising out of the accident aforesaid.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CHAMBERS

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bonnie D. Hand, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of The LaFayette Sun, a newspaper of general circulation published in Chambers County, Alabama, and that the attached notice was published in said newspaper once a week for

four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 19, June 26, July 3, and July 10, all in the year 1963.

BONNIE D. HAND,

Sworn to and subscribed before me July 13, 1963.

PEARL H. HAND,
Title Notary Public.

Also:

By Mr. Snell:

H. 714. To fix the compensation of the members of the county board of education of Chambers County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

STATE OF ALABAMA,
COUNTY OF CHAMBERS

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and applications for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To fix the compensation of the members of the county board of education of Chambers County.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The members of the county board of education of Chambers County shall receive from the public school funds of the county twenty dollars a day and their actual traveling and hotel expenses incurred in attending meetings of the board. They shall not be allowed pay for more than twenty-four days in any one year.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CHAMBERS

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bonnie D. Hand, who, being

by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of The LaFayette Sun, a newspaper of general circulation published in Chambers County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 12, June 19, June 26, and July 3, all in the year of 1963.

BONNIE D. HAND,

Sworn to and subscribed before me July 7th, 1963.

PEARL H. HAND,
Title Notary Public.

Also:

By Mr. Ingram:

H. 722. Providing a more efficient system for the administration of the fiscal affairs and government of Clay County; abolishing the Court of County Commissioners of Clay County and creating and establishing in lieu thereof the Board of Commissioners of Clay County; providing for the organization, powers, jurisdiction, and duties of the Board of Commissioners, and for the qualifications, election, and compensation of its members; and further regulating the county's purchasing procedures and highway operations.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF CLAY

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Providing a more efficient system for the administration of the fiscal affairs and government of Clay County; abolishing the Court of County Commissioners of Clay County and creating and establishing in lieu thereof the Board of Commissioners of Clay County; providing for the organization, powers, jurisdiction, and duties of the Board of Commissioners, and for the qualifications, election, and compensation of its members; and further regulating the county's purchasing procedures and highway operations.

Be It Enacted by the Legislature of Alabama:

Section 1. The Court of County Commissioners of Clay County is abolished, and in lieu thereof there is hereby created and established the Board of Commissioners of Clay County, which shall be composed of the judge of probate, as chairman, and four commissioners who shall be elected as hereinafter provided.

Section 2. As chairman of the Board, the judge of probate shall exercise all the powers and perform all the duties required of judges

of probate by the general laws of this State as to matters coming before the court of county commissioners, board of revenue, or like governing body. The judge of probate shall receive an annual salary of four hundred eighty dollars (\$480), payable in equal monthly installments from the county treasury, as compensation for the performance of his duties as chairman of the Board.

Section 3. One commissioner shall be elected by the qualified electors of each of the districts into which the county is now divided by law for the purpose of electing members of the county governing body. Each commissioner must be a resident and qualified elector of the district from which he is elected, and shall continue to reside therein during his continuance in office. Commissioners from districts one and three, as such districts are now constituted, shall be elected at the general election to be held in 1964, and every four years thereafter. Commissioners from districts two and four shall be elected at the general election to be held in 1966, and every four years thereafter. The commissioners shall hold office for terms of four years from the first Monday after the second Tuesday in January next succeeding their election and until their successors are elected and qualified. In the event of a vacancy on the board, the vacancy shall be filled by appointment by the Governor for the unexpired term. The present members of the Court of County Commissioners shall serve as members of the Board of Commissioners until their successors are elected and qualified as provided in this Act.

Section 4. Except as otherwise provided herein, the Board of Commissioners provided for in this Act shall have and exercise all the jurisdiction and powers which are, or hereafter may be, vested in courts of county commissioners or like county governing bodies by the general laws of the State, or vested in the governing body of Clay County by local law; and the members of the board shall perform all the duties and services and exercise all the powers which are, or which hereafter may, be provided by law for members of courts of county commissioners or like county governing bodies, or for members of the Board of Commissioners of Clay County.

Section 5. Each commissioner shall receive an annual salary of three thousand dollars (\$3,000), which shall be his entire compensation for the services required of him by this Act. The salary of each commissioner shall be paid in equal monthly installments on warrants drawn on the funds of the county in accordance with the orders of the Board.

Section 6. The Board shall hold regular meetings on the second Monday of each month and may hold special meetings upon the call of the chairman or two commissioners. A majority of the members of the Board shall constitute a quorum for the transaction of business. The Board shall keep complete and accurate written minutes of all meetings, business transacted, and resolutions adopted; and there shall be recorded therein the vote of each member. At each meeting the minutes of the previous meeting shall be read and all minutes shall be open to public inspection at reasonable times.

Section 7. Before entering upon the discharge of their duties, the county commissioners shall each execute a bond in the sum of three thousand dollars (\$3,000). The bonds shall be payable to Clay County, with good and sufficient surety, and shall be conditioned upon the faithful discharge of their duties of office. The bonds shall be filed and recorded in the office of the judge of probate of Clay County, and the premiums thereon shall be paid by the county.

Section 8. Subject to the supervision, regulation and control of the Board of Commissioners of Clay County, and any rules and regulations which such body may promulgate from time to time in the exercise of its authority under this Act, the judge of probate, as chairman of the Board of Commissioners shall function as purchasing agent for the county. He shall make all purchases or lease rentals of all materials, tools, machinery, motor vehicles, supplies, equipment, and contractual services (which term as used in this Act shall not include contracts for professional or other personal services) for the county, or any department, board, or officer thereof, including the county board of education.

Section 9. At least three written, sealed, competitive bids shall be obtained on all purchases of supplies, materials, tools, machinery, motor vehicles, equipment and contractual services when the amount involved is two hundred dollars (\$200) or more. If the proposed purchase or contract involves an amount less than two hundred dollars (\$200), the purchase may be made either on the basis of sealed bids or in the open market. It shall be a violation of this section to divide or otherwise adjust the quantity of a purchase to an amount less than two hundred dollars (\$200) for the purpose of evading the requirements of this section. Invitations for bids shall be posted on a bulletin board located either immediately inside or outside the office of the probate judge, in the county courthouse, at least five days before the meeting of the Board at which the purchase is to be made. Such invitations, hereinafter called purchase notices, shall contain sufficient specifications to describe accurately the articles to be purchased as well as the quantity thereof. In addition to such notices, if the amount of the proposed contract is in excess of two hundred dollars (\$200), written notice by registered or certified mail with written reply requested, shall be given to at least three merchants or dealers in the goods or materials to be purchased, or where notice is of a contract to be let, to at least three contractors engaged in the type work contemplated. A copy of such notice or notices, together with the return receipts showing their delivery, must be recorded in and shall become a part of the minutes of the Board of Commissioners.

Section 10. All bids received on proposed purchases or contracts shall be opened publicly at the time and place stated in the purchase notices. The contract or order shall be awarded to the lowest responsible bidder, or all bids may be rejected and the purchase or contract renegotiated when the public interest will be served thereby. It shall be the duty of the chairman of the Board of Commissioners to obtain information from the Division of Purchases and Stores of the State Department of Finance relative to the items to be purchased by competitive bids; and if the State prices are less than the lowest bid received, and if the delivery date is reasonable, all bids shall be rejected and the purchase shall be made through the State Purchasing Agent. All bids, with the names of the bidders, shall be entered on a permanent record. Each record with the successful bid indicated thereon, and with the reason for the award if not awarded to the lowest bidder, shall, after the award, be open to public inspection. In the event of a sale trade, or other disposition of any property of the county of any nature or kind the procedure as outlined herein as it related to the obtaining of written, sealed, competitive bids shall be followed, and such sale, trade, or disposition of the property of the county shall be made in accordance with the most advantageous offer made.

Section 11. In an emergency a purchase may be made without competitive bids and without obtaining information from the Division

of Purchases and Stores. However, a full written account of the circumstances necessitating any such emergency purchase, together with a statement describing the item purchased and naming the vendor from whom the item was purchased, shall be at once prepared by the chairman of the Board of Commissioners as purchasing agent and filed in his office. An emergency, as the term is used herein, means a situation where needed equipment of the county is idle due to the lack of parts, supplies, or repairs therefor, or when materials or supplies are immediately needed to place in operating condition the road or bridge system of the county which has become impassable or dangerous due to damage or destruction of existing portions thereof. The records of such emergency transactions shall be open to public inspection. The provisions of this Act regarding competitive bidding and obtaining information from the State Purchasing Agent may be waived for purchases of perishable commodities, utility service, machinery repairs, and commodities or service for which there is no competitive situation.

Section 12. In making purchases for the county the purchasing agent shall give preference to commodities produced or sold in Clay County, provided there is no sacrifice or loss in price or quality.

Section 13. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. All laws or parts of laws which conflict with this Act are repealed.

Section 15. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CLAY

Before me, the undersigned authority in and for said county in said State, this day personally appeared Mrs. R. M. Ussery, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Publisher of the Ashland Progress, a newspaper of general circulation published in Clay County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 20, June 27, July 4, and July 11, all in the year 1963.

MRS. R. M. USSERY,

Sworn to and subscribed before me July 12, 1963.

BLANCHE ALEXANDER,
Title Notary Public.

Also:

By Mr. Ingram:

H. 723. To regulate further teacher tenure and status in the public schools of Clay County, granting the county boards of education

plenary and exclusive power relative to teacher tenure and status in the County, and repealing as to Clay County inconsistent provisions of Code 1940, Title 52, Chapter 13, as amended or supplemented.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF CLAY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To regulate further teacher tenure and status in the public schools of Clay County, granting the county boards of education plenary and exclusive power relative to teacher tenure and status in the County, and repealing as to Clay County inconsistent provisions of Code 1940, Title 52, Chapter 13, as amended or supplemented.

Be It Enacted by the Legislature of Alabama:

Section 1. The county board of education of Clay County is vested with plenary and exclusive power to employ, dismiss, discharge, remove or transfer principals, supervisors and teachers, and to regulate their tenure compensation and status as it considers necessary or desirable to promote the best interest of the schools under its jurisdiction, the provisions of any general law on the subject to the contrary notwithstanding.

Section 2. The provisions of Chapter 13, Title 52, Code of Alabama 1940, as amended or supplemented, which are in conflict or inconsistent with this Act are, as to Clay County, hereby expressly repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CLAY

Before me, the undersigned authority in and for said county in said State, this day personally appeared Mrs. R. M. Ussery, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Publisher of the Ashland Progress, a newspaper of general circulation published in Clay County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 13, June 20, June 27, and July 4, all in the year 1963.

MRS. R. M. USSERY,

Sworn to and subscribed before me July 12, 1963.

BLANCHE ALEXANDER,
Title Notary Public.

Also:

By Messrs. Bevill and Scurlock:

H. 854. To authorize the court of county commissioners, board of revenue, or like governing body of certain counties classified on a population basis to prescribe the times when county offices may be closed.

Also:

By Mr. Casey:

H. 862. Relating to elections in counties having populations of not less than 10,800 nor more than 12,000, authorizing and providing for a recount of the vote in certain ballot boxes on order of the circuit judge of such counties.

Also:

By Mr. Edwards (Escambia):

H. 864. To provide for and require the use of voting machines for registering, recording, and computing the votes at all elections hereafter held in Escambia County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF ESCAMBIA

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide for and require the use of voting machines for registering, recording, and computing the votes at all elections hereafter held in Escambia County.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue or other like governing body of Escambia County is hereby directed and required to provide for the installation and use of voting machines for registering, recording, and computing the votes at all general, special and primary elections hereafter held within the county.

Section 2. The purchase price or yearly rental of the voting machines required to be installed by this Act shall be a preferred charge against the county treasury; but any municipality affected by this Act may contribute municipal funds toward payment of the cost of installing voting machines within the municipality.

Section 3. The use of voting machines at elections in Escambia County shall be governed by the general laws regulating such use.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF ESCAMBIA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Philip Sokol, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Co-Publisher of the Atmore Advance, a newspaper of general circulation published in Escambia County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 6, June 13, June 20, and June 27, all in the year 1963.

PHILIP SOKOL,
Co-Publisher.

Sworn to and subscribed before me June 28, 1963.

RACHEL DAVIS,
Title Notary Public.

Also:

By Mr. Edwards (Escambia):

H. 865. To amend Act No. 119, H. 393, Regular Session 1959 (Acts 1959, v. 1, p. 641), in relation to the qualifications of the superintendent of education of Escambia County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF ESCAMBIA

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To amend Act No. 119, H. 393, Regular Session 1959 (Acts 1959, v. 1, p. 641), in relation to the qualifications of the superintendent of education of Escambia County.

Be It Enacted by the Legislature of Alabama:

Section 3 of Act No. 119, H. 393, Regular Session 1959 (Acts 1959, v. 1, p. 641), an act relating to the public schools of Escambia County and the office of county superintendent of education, is hereby amended to read as follows:

"Section 3. The county superintendent of education must be a qualified elector of Escambia County at the time of his election or appointment, and shall have had at least five years of educational experience, as teacher, principal, supervisor, superintendent, educational administrator, or instructor in school administration. And no person shall be eligible for election or appointment who does not hold a master's degree in school administration bestowed by a standard university or college."

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF ESCAMBIA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Philip Sokol, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Co-Publisher of the *Atmore Advance*, a newspaper of general circulation published in Escambia County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 6, June 13, June 20, and June 27, all in the year 1963.

PHILIP SOKOL,
Co-Publisher.

Sworn to and subscribed before me June 28, 1963.

RACHEL DAVIS,
Title Notary Public.

Also:

By Mr. Stenbridge:

H. 866. Relating to counties having populations of not less than 50,000 nor more than 54,000; to provide that the election precincts of the county as now established shall so remain until changed and the governing body of the county shall have exclusive power to establish, change, consolidate or alter election precincts in such county; to provide that the governing body of the county shall regulate and provide for the use of voting machines at all elections, special, general or primary held within the county, a political subdivision thereof or any municipality therein, and in so doing may, in the manner herein prescribed, divide any voting precinct of the county into districts, designate in each district a voting center at which the qualified electors of the district so designated may vote; to provide the time of changing boundary lines; to prescribe the number of voting machines to be maintained at each voting center; to provide for the use of paper ballots in voting centers where voting machines are not provided; to provide election officers for each voting center; to prescribe the duties of such election officers and fix their compensation; to prescribe the duties of the judge of pro-

bate in such elections; to provide for the manner of payment of such election officials; to prescribe the duties of the custodian of voting machines and the executive assistant or chief clerk of the sheriff in such elections.

Also:

By Messrs. Slate and Brewer:

H. 873. Relating to counties having populations of not less than 57,000 nor more than 61,000; providing for payment of special supplementary allowances for probation officers of the juvenile courts of such counties.

Also:

By Mr. Engel:

H. 872. To amend Section 1 of Act No. 164, H. 493, Regular Session 1959 (Acts 1959, p. 688), entitled "An Act to authorize and direct the Board of Revenue and Road Commissioners of Mobile County to make available to the sheriff of the county an annual allowance for the purchase of uniforms for deputies sheriff; and to regulate expenditures from such allowance."

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF MOBILE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To amend Section 1 of Act No. 164, H. 493, Regular Session 1959 (Acts 1959, p. 688), entitled "An Act to authorize and direct the Board of Revenue and Road Commissioners of Mobile County to make available to the sheriff of the county an annual allowance for the purchase of uniforms for deputies sheriff; and to regulate expenditures from such allowance."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 164, H. 493, Regular Session 1959 (Acts 1959, p. 688), entitled "An Act to authorize and direct the Board of Revenue and Road Commissioners of Mobile County to make available to the sheriff of the county an annual allowance for the purchase of uniforms for deputies sheriff; and to regulate expenditures from such allowance," is hereby amended to read as follows:

"Section 1. The Board of Revenue and Road Commissioners or other governing body of Mobile County, is authorized and directed to

appropriate from county funds, and to make available to the sheriff of Mobile County at the beginning of each fiscal year, an allowance of seven thousand dollars (\$7,000) a year, to be used by the sheriff to purchase uniforms for the use of the deputies sheriff employed in the sheriff's department. The allowance authorized herein shall be subject to the direct supervision and control of the sheriff of Mobile County, and shall be expended at his discretion and in his best judgment as to the most advantageous purchases to the county."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

C. R. Willisson being sworn, says that he is Office Manager of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and the attached notice appeared in the issue of The Mobile Register June 3, June 10, June 17, June 24, 1963.

C. R. WILLISSON,

Sworn to and subscribed before me this 16th day of July, 1963.

ROSALIE PERGANTIS,
Notary Public.

Also:

By Messrs. Vacca, Sessions, Bethea (M), Rast, Brown (Jefferson), Meeks, Etheredge, Bailes, Collins, Morrow, Bowers, Gilmore and Perry:

H. 868. To provide in all counties having a population in excess of 600,000 according to the last or any subsequent Federal decennial census, that all officers, authorities, agencies, boards, bureaus or other like entities which receive appropriations from the state, county or municipal governments shall have an annual audit.

JOHN W. PEMBERTON,
Clerk

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 713, 714, 722, 723, 854, 862, 864, 865, 866, 873, 872 and 868 — to the Committee on Local Legislation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Meade, Albea, Burnham and Merrill:

H. 222. To provide for the registration and licensing as "antique vehicles" of certain motor vehicles; prescribing the fee therefor; providing for the collection and disbursement thereof; exempting vehicles licensed under this Act from other motor vehicle licenses; and placing certain duties relative to the registration and licensing of such vehicles on the State Department of Revenue and the Commissioner thereof and on the several sheriffs of the State.

Also:

By Messrs. Goodwyn, Pierce, Jones (Covington), Fite, Turner (Crenshaw) and Goldthwaite:

H. 92. To define a normal work week for certain state employees and to prescribe the maximum number of hours to be worked each day without overtime payment as herein authorized.

Also:

By Messrs. Branyon, Faulk and McCorquodale:

H. 315. To provide for deductions from penitentiary sentences for donating blood to recognized blood collection agencies.

Also:

By Messrs. Engel, McDermott and Hogan:

H. 390. To provide for advance payment of dues by State-chartered member credit unions to the State organization, Alabama Credit Union League, and the amortization over a period up to and including fifteen years of the credit extended to the member credit unions in the form of advance dues certificates issued by the Alabama Credit Union League.

Also:

By Messrs. Engel, McDermott, Rogers, Hogan, Edington, and Martin:

H. 366. To amend further Section 144 of Title 45, Code of Alabama 1940, which provides the allowance for feeding prisoners.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 222, 92 and 366 — to the Committee on Finance and Taxation

H. B. 315 — to the Committee on Public Welfare and Correctional Institutions

H. B. 390 — to the Committee on Corporations

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Teel:

H. 223. To amend Section 91 of Title 34, Code of Alabama 1940.

Also:

By Messrs. Merrill, Brewer, Burnham, Bolton, Holladay, Rogers, Cornett, Steagall, Jones (Monroe), Goodwyn and Teel:

H. 458. Relating to motor vehicles; to provide for the use of two license tags or plates on each vehicle; amending Code of Alabama 1940, Title 36, Section 75, as amended, and Title 51, Section 705, as amended.

Also:

By Mr. Hester:

H. 754. To provide for the administration of a scholarship fund at Northwest Alabama Junior College for certain graduates of Franklin County high schools.

Also:

By Mr. Hester:

H. 753. To amend Act No. 888, H. 1113, Regular Session 1961 (Acts 1961, v. 2, p. 1397), an act providing for the establishment, maintenance, and operation of a junior college in Franklin, Marion, or Winston County, so as to authorize the board of trustees of the college to issue and sell interest bearing warrants or other like securities in anticipation of the allocation of special tax revenues.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 223 — to the Committee on Judiciary

H. B.'s 458, 754 and 753 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Vacca, Gilmore and Bailes:

H. 170. Relating to elections, providing for certain persons in federal service to vote absentee ballots.

Also:

By Messrs. Vacca, Gilmore and Bailes:

H. 166. To amend further Code of Alabama 1940, Title 15, Section 72, which relates to the payment of expenses of bringing back absconding felons so as to authorize payment of actual cost of airplane transportation for such purpose.

Also:

By Mr. Fite:

H. 795. To authorize the governing bodies of any two or more counties, or the governing bodies of any two or more municipalities within a single county, or the governing bodies of any two or more municipalities situated within different counties, or the governing bodies of any one or more counties and the governing bodies of any one or more municipalities situated in whole or in part in any one of said counties to establish regions for planning purposes and to appoint regional planning commissions.

Also:

By Mr. Fite:

H. 796. To authorize and empower all planning commissions, planning boards or other planning agencies within the State of Alabama, whether designated state, regional, joint, county, municipal or otherwise, to perform comprehensive planning and related activities, including transportation planning, for the respective geographical areas as to which planning power has heretofore been delegated to such commissions, boards, or other agencies by the Legislature of Alabama; to provide that, where now or hereafter authorized by compact or otherwise, such comprehensive planning may embrace areas where rapid urbanization has occurred or is expected to occur and which said areas extend into adjoining states; to authorize said commissions, boards and other agencies, upon request, to provide planning assistance to cities, other municipalities, groups of adjacent communities and regional planning agencies; and to authorize said commissions, boards and other agencies to contract for and to accept and utilize grants and other assistance for planning from any and all agencies which now or hereafter legally may contract as to and make grants or afford other assistance for comprehensive planning.

Also:

By Messrs. Etheredge, Brown (Jefferson), Sessions, Vacca, Bowers, Meeks, Morrow, Rast and Perry:

H. 464. To amend Act No. 47, H. 92, Special Session Session 1961 (Acts 1961, v. 2, p. 1904), which grants certain exemptions from state, county, and municipal taxation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 170 — to the Committee on Privileges and Elections

H. B.'s 166 and 796 — to the Committee on Judiciary

H. B. 795 — to the Committee on Municipalities and Municipal Organizations

H. B. 464 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Turner (Crenshaw):

H. 21. To prescribe the allowance for depletion of iron ore mines and coal mines for state income tax purposes; repealing conflicting laws.

Also:

By Mr. Fite:

H. 797. To further amend Section 2 of Act No. 100, Second Special Session 1959, so as to provide for payment of the tax on automotive vehicles, truck trailers, semi-trailers or house trailers, withdrawn from stock for use in the business of the taxpayer.

Also:

By Mr. Steagall:

H. 442. To dispense with a Jury verdict in all Criminal Cases where the defendant has been indicted by a Grand Jury and provide for the Court to fix the punishment in such cases where defendants, after having had the advice of counsel plead guilty in open Court to the commission of an offense embraced in the Indictment.

Also:

By Messrs. Steagall, Turnham, Crawford, Grouby and Cook:

H. 738. Relating to the compensation of jurors; amending further Code of Alabama 1940, Title 11, Section 98.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 21, 738 and 797 — to the Committee on Finance and Taxation

H. B. 442 — to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Turner (Crenshaw):

H. 673. Relating to the public revenue; further defining the terms "wholesale sale" or "sale at wholesale" used in administering the state sales and use tax statutes; repealing Section 481 of Title 51, Code of Alabama, 1940, as amended by Act no. 339, H. 440, approved July 1, 1943, General Acts of Alabama, 1943, pp. 319-20.

Also:

By Mr. Ingram:

H. 721. Relating to counties having populations of not less than 11,000 nor more than 13,000 inhabitants; to fix the expense allowance of the county superintendent of education of such counties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 673 — to the Committee on Finance and Taxation

H. B. 721 — to the Committee on Local Legislation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Turnham:

H. J. R. 100. WHEREAS the State of Alabama suffered a distinct loss on June 2, 1963 in the passing of Mr. J. C. Lowery, one of its most able farm leaders for more than thirty years; and

WHEREAS Mr. Lowery, through his educational efforts and far-seeing programs in all phases of agronomy gained wide acceptance among Alabama farmers of better production methods for corn, cotton, and pastures; thereby contributing heavily to Alabama's great progress with these crops as well as with the beef and dairy industries; and

WHEREAS Mr. Lowery's outstanding contributions and influence on Alabama agriculture as an agronomist of the Cooperative Extension Service, Auburn University were recognized throughout the state and nation as evidenced by his election to membership in the American Society of Agronomy and Soil, the Science Society of America, Alabama Soil Fertility Society, National Agricultural Historical Society and Gamma Sigma Delta, national honor society of agriculture; and

WHEREAS Mr. Lowery was a devoted church man and a fine christian gentleman whose advice and wise counsel was eagerly sought by all those with whom he came in contact; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That this body expresses its appreciation for the life and service of Mr. Lowery and is saddened by the death of this fine man.

BE IT FURTHER RESOLVED That deepest regret and sincere sympathy be extended to the surviving members of Mr. Lowery's family to whom copies of this resolution shall be sent.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 100, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 8

The Senate proceeded to further consideration of the Bill, S. B. 8, as amended. The question was on the amendment offered by Mr. Shelton.

MOTION TO ADJOURN LOST

At 5:30 A. M., Mr. Oden moved that the Senate do now adjourn until 10 o'clock A. M. Friday, August 2, 1963, which motion was lost.

Yeas 5; Nays 15.

Yeas:

Messrs.	Hammond	Shelton	Taylor	
Cooper	Oden			—5

Nays:

Messrs.	Clark	James	Montgomery	
Adams	Gilchrist	Lolley	Reynolds	
Bentley	Givhan	Mathews	Robison (Montgomery)	
Carter	Hawkins	Metcalf	Robison (Pickens)	—15

FURTHER CONSIDERATION OF S. B. 8

The Senate proceeded to further consideration of the Bill, S. B. 8, as amended. The question was on the amendment offered by Mr. Shelton.

MOTION TO RECESS LOST

At 6:05 A. M., Mr. Cooper moved that the Senate do now recess until 12 o'clock Noon today.

Mr. Oden offered as a substitute motion that the Senate now adjourn until 10 o'clock A. M., Friday, August 2, 1963, which motion was lost.

The question recurred on the motion offered by Mr. Cooper that the Senate take a recess until 12 o'clock noon today, which motion was lost.

Yeas 3; Nays 19.

Yeas:

Messrs.	Cooper	Hammond	Oden	—3
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Nays:

Messrs.	Clark	James	Robison (Montgomery)	
Allen	Gilchrist	Lolley	Robison (Pickens)	
Bentley	Givhan	McDow	Shelton	
Brannan	Hawkins	Metcalf	Taylor	
Carter	Horton	Reynolds	Wilson	—19

FURTHER CONSIDERATION OF S. B. 8

The Senate proceeded to further consideration of the Bill, S. B. 8, as amended. The question was on the amendment offered by Mr. Shelton to the Bill.

MOTION TO RECESS LOST

At 6:40 A. M., Mr. Cooper moved that the Senate do now recess until 12 o'clock Noon today, which motion was lost, the vote being as follows:

Yeas 2; Nays 14.

Yeas:

Messrs.	Cooper	Shelton	—2
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Nays:

Messrs.	Clark	James	Robison (Pickens)	
Allen	Gilchrist	Lolley	Taylor	
Bentley	Hawkins	Metcalf	Wilson	
Carter	Horton	Reynolds		—14

No quorum voting.

Thereupon, on motion of Mr. Hawkins, the Senate took a recess until 6:55 A. M. this morning.

The recess period having expired, the Senate was called to order by Honorable James B. Allen, President and Presiding Officer of the Senate.

ROLL CALL

Present:

Messrs.	Clark	Horton	Nichols
Allen	Cooper	James	Reynolds
Bentley	Gilchrist	Lolley	Robison (Pickens)
Brannan	Givhan	McDow	Shelton
Carter	Hawkins	Metcalf	Wilson

—19

FURTHER CONSIDERATION OF S. B. 8

The Senate proceeded to further consideration of the Bill, S. B. 8, as amended. The question was on the amendment offered by Mr. Shelton to the Bill, as amended.

MOTION TO RECESS LOST

At 8 o'clock A. M., Mr. Gilchrist moved that the Senate do now take a recess until 8:30 o'clock A. M. today.

Mr. McCain then offered as a substitute motion that the Senate take a recess until 12 o'clock Noon today, which said motion was lost.

Yeas 4; Nays 18.

Yeas:

Messrs.	Hammond	McCain	Roberts
Cooper			

—4

Nays:

Messrs.	Clark	Hawkins	Reynolds
Allen	Eddins	Horton	Robison (Montgomery)
Bentley	Evans	James	Robison (Pickens)
Brannan	Gilchrist	Lolley	Wilson
Carter	Givhan	McDow	

—18

The question recurred on the motion offered by Mr. Gilchrist that the Senate take a recess until 8:30 o'clock A. M. today, and said motion was lost.

FURTHER CONSIDERATION OF S. B. 8

The Senate proceeded to further consideration of the Bill, S. B. 8, as amended. The question was on the amendment offered by Mr. Shelton to the Bill, as amended.

MOTION TO RECESS LOST

At 9:08 A. M., Mr. McCain moved that the Senate now take a recess until 12 o'clock Noon today, which said motion was lost.

Yeas 4; Nays 19.

Yeas:

Messrs.	Hammond	McCain	Roberts
Cooper			

—4

Nays:

Messrs.	Clark	Horton	Reynolds
Allen	Dumas	James	Robison (Montgomery)
Bentley	Evans	Lolley	Robison (Pickens)
Brannan	Gilchrist	McDow	Shelton
Carter	Hawkins	Nichols	Wilson

—19

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Roberts:

S. 371. Proposing an amendment to the Constitution relating to levying a special school tax in the school district of the City of Huntsville in Madison County.

Committee on Local Legislation.

The above bill was read a first time at length as required by the Constitution.

By Mr. Tyson:

S. 372. To authorize municipalities and counties in this state to make contributions to or for the benefit of public educational institutions and public corporations in this state for the purpose of providing sites for, and constructing and equipping buildings and other facilities for use by, public educational institutions.

Committee on Municipalities
and Municipal Organizations.

By Messrs. Tyson, Hawkins, Evans, Adams, Cooper, Eddins, Horton, Gilchrist, Allen, Metcalf, Brannan, McDow and Hornsby:

S. 373. To provide a curator and publicity director for Fort Morgan, and for payment of his compensation and expenses.

Committee on Finance and Taxation.

FURTHER CONSIDERATION OF S. B. 8

The Senate proceeded to further consideration of the Bill, S. B. 8, as amended. The question was on the amendment offered by Mr. Shelton to the Bill, as amended.

MOTION TO RECESS LOST

At 9:45 A. M., Mr. Cooper moved that the Senate do now take a recess until 2 o'clock P. M. today, which said motion was lost.

Yeas 3; Nays 17.

Yeas:

Messrs.	Cooper	Hammond	McCain
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—3

Nays:

Messrs.	Eddins	Lolley	Robison (Pickens)
Allen	Evans	McDow	Shelton
Brannan	Gilchrist	Reynolds	Taylor
Carter	Givhan	Robison (Montgomery)	Wilson
Dumas	James		

—17

FURTHER CONSIDERATION OF S. B. 8

The Senate proceeded to further consideration of the Bill, S. B. 8, as amended. The question was on the amendment offered by Mr. Shelton to the Bill, as amended.

MOTION TO RECESS

At 11:10 A. M., Mr. McCain moved that the Senate do now take a recess until 11:45 A. M. today, which said motion was adopted.

The recess period having expired, the Senate was called to order by Honorable James B. Allen, President and Presiding Officer of the Senate.

A quorum of the Senate was present.

At 11:50 A. M., on motion of Mr. Hawkins, pending further consideration of S. B. 8, the Senate took a recess until 2 o'clock this afternoon.

AFTERNOON SESSION

TWENTY-SIXTH LEGISLATIVE DAY

TUESDAY, JULY 30, 1963

The Senate re-assembled at 2 o'clock P. M., Lieutenant Governor Allen presiding.

ROLL CALL

Present:

Messrs.	Eddins	Lolley	Reynolds
Adams	Evans	Lowe	Roberts
Allen	Gilchrist	Mathews	Robison (Montgomery)
Bentley	Givhan	McCain	Robison (Pickens)
Brannan	Hammond	McDow	Shelton
Carter	Hawkins	Metcalf	Smith
Clark	Hornsby	Montgomery	Taylor
Cooper	Horton	Nichols	Tyson
Dumas	James	Oden	Wilson

—35

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Robison (Montgomery) and Adams:

S. 374. To amend Code of Alabama 1940, Title 46, Section 6, in relation to the authority and procedure for the State Board of Public Accountancy to revoke or suspend certificates.

Committee on Judiciary.

By Messrs. Lolley, Wilson, Lowe, Brannan, Taylor, Montgomery, Adams, Metcalf, Hammond, Hornsby, McDow, McCain, Nichols, Clark, Carter, Mathews, Smith, Oden, Evans, Eddins, Reynolds, Horton, Allen, Cooper and James:

S. 375. To make it a felony for a father to fail to comply with terms of a court order requiring him to support his child or children.

Committee on Judiciary.

By Mr. Horton:

S. 376. To amend Code of Alabama 1940, Title 58, Section 37, in relation to the payment of fiduciary funds into the county treasury.

Committee on Judiciary.

By Mr. Tyson:

S. 377. To amend and reenact Act No. 934, H. 1268, Regular Session 1961 (Acts 1961, p. 1506), which provides for a program of tax equalization of all real property in any county of the state having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal decennial census.

Committee on Local Legislation.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to further consideration of the unfinished business of the morning session, which was the bill:

S. 8. To regulate the lending of money repayable in installments, whether secured or unsecured; to provide the maximum rate of interest and other charges on such transactions; to regulate such transactions; to prescribe penalties for violation of this Act; to define the phrase "installment loan" for the purposes of this Act; to provide for a short title therefor so that the same may be cited as the "Installment Loan Act"; to provide for the repeal of inconsistent laws heretofore enacted; to provide exemptions from the provisions of this Act; to provide when this Act shall take effect, and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

as amended.

The question was on the amendment to the bill, as amended, offered by Mr. Shelton, which said amendment is set out at length in the Journal of the Senate for the Twenty-Fourth Legislative day.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Brewer and Fite:

H. J. R. 93. Proposing an amendment to the Constitution of Alabama.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That the following amendment to the Constitution of Alabama be submitted for approval of the qualified electors:

In Article 18, Section 284, as amended by the 24th Article of amendment, strike out the last sentence thereof, to-wit, "Representation in the legislature shall be based upon population, and such basis of representation shall not be changed by constitutional amendments."

RESOLVED FURTHER, That an election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

RESOLVED FURTHER, That notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 93, set out in the foregoing Message from the House, was read at length as required by the Constitution and referred to the Standing Committee on Constitution and Constitutional Revision and Amendments.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 86. Relative to redesignating the day for holding the election on the constitutional amendment proposed by Act No. 91.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after

the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution; the title of which is set out in the foregoing message from the House.

FURTHER CONSIDERATION OF S. B. 8

The Senate proceeded to further consideration of the Bill, S. B. 8, as amended. The question was on the amendment offered by Mr. Shelton to the Bill, as amended, and on motion of Mr. Hawkins, said amendment was laid on the table.

Yeas 21; Nays 11.

Yeas:

Messrs.	Dumas	Horton	Reynolds
Adams	Eddins	James	Roberts
Bentley	Evans	Mathews	Robison (Montgomery)
Brannan	Gilchrist	Nichols	Robison (Pickens)
Carter	Givhan	Oden	Taylor
Clark	Hawkins		

—21

Nays:

Messrs.	Hornsby	McCain	Shelton
Cooper	Lolley	McDow	Tyson
Hammond	Lowe	Montgomery	Wilson

—11

Mr. Cooper then offered the following amendment to the Bill, S. B. 8, as amended, to-wit:

AMENDMENT TO S. B. 8, AS AMENDED

In Section 8, add the following:

And it is further provided that this Act shall not apply to any state depository bank or trust company which is not paying interest of 2% per annum on money deposited by the state.

MOTION TO RECESS ADOPTED

At 4:13 P. M., on motion of Mr. Nichols, the Senate took a recess until 5:15 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Honorable James B. Allen, President and Presiding Officer of the Senate.

A quorum of the Senate was present.

REPORTS OF COMMITTEES

Mr. Dumas, Chairman of the Standing Committee on Public Buildings and Grounds, reported that said Committee, in Session had

acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute and it was read a second time and placed on the calendar, to-wit:

By Mr. Gilchrist (With Substitute):

S. 368. To make appropriations for the continuation of certain functions of the state government in the event a regular biennial session of the legislature is adjourned sine die before the general appropriation bill has been passed by both houses of the legislature.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Fite and Brewer:

H. 921. To make an additional appropriation for payment of expenses of the Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 921 — to the Committee on Finance and Taxation

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following as members of the State Board of Agriculture and Industries:

Industry Members:

Charles W. Summerour,
American Potash Institute
Montgomery, Alabama

B. W. Connell,
Dothan Seed and Supply Company,
Dothan, Alabama.

B. F. Vinson,
Standard Oil Company,
Birmingham, Alabama.

Farmer Members:

T. Merlyn Borland,
Pinkard, Alabama.

Charles C. Miller,
Piedmont, Alabama.

Lem Morrison,
Greensboro, Alabama.

Richard H. Arrington,
Route 2,
Ramer, Alabama.

Respectfully,
GEORGE C. WALLACE,
Governor.

GOVERNOR'S MESSAGE

The foregoing message from His Excellency, the Governor, relative to the appointment of members of the State Board of Agriculture and Industries was read and referred to the Standing Committee on Rules.

MOTION TO RECESS ADOPTED

At 5:20 P. M., on motion of Mr. Tyson, the Senate took a recess until 6:0'clock tonight.

The recess period having expired, the Senate was called to order by Honorable James B. Allen, President and Presiding Officer of the Senate.

ROLL CALL

Present:

Messrs.	Evans	Mathews	Roberts
Adams	Gilchrist	McCain	Robison (Montgomery)
Allen	Givhan	McDow	Robison (Pickens)
Bentley	Hawkins	Metcalf	Shelton
Brannan	Horton	Montgomery	Smith
Carter	James	Nichols	Taylor
Clark	Lolley	Oden	Tyson
Dumas	Lowe	Reynolds	Wilson
Eddins			

—32

FURTHER CONSIDERATION OF S. B. 8

The Senate proceeded to further consideration of the Bill, S. B. 8, as amended. The question was on the amendment offered by Mr. Cooper to the bill, as amended.

MOTION TO RECESS LOST

At 7:30 P. M., Mr. Cooper moved that the Senate take a recess until 8:30 P. M. tonight, which motion was lost.

Yeas 6; Nays 13.

Yeas:

Messrs. Allen	Cooper Hammond	Lolley Montgomery	Taylor	—6
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Nays:

Messrs. Adams Brannan Clark	Eddins Gilchrist Hawkins Horton	James Nichols Reynolds	Robison (Montgomery) Robison (Pickens) Tyson	—13
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FURTHER CONSIDERATION OF S. B. 8

The Senate proceeded to further consideration of the Bill, S. B. 8, as amended. The question was on the amendment offered by Mr. Cooper to the bill, as amended.

MOTION TO ADJOURN LOST

At 9:20 P. M., Mr. Carter moved that the Senate now adjourn until Friday, August 2, 1963, at 10 o'clock A. M., which motion was lost.

Yeas 13; Nays 17.

Yeas:

Messrs. Bentley Carter Cooper	Hammond James Lowe Mathews	Metcalf Montgomery Nichols	Oden Shelton Wilson	—13
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Nays:

Messrs. Adams Brannan Clark Dumas	Eddins Evans Gilchrist Givhan Hawkins	Horton Lolley McDow Reynolds	Roberts Robison (Montgomery) Robison (Pickens) Tyson	—17
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FURTHER CONSIDERATION OF S. B. 8

The Senate proceeded to further consideration of the Bill, S. B. 8, as amended. The question was on the amendment offered by Mr. Cooper to the bill, as amended.

Mr. McDow moved that further consideration of the Bill, S. B. 8, as amended, and pending amendment be postponed until the Twenty-eighth Legislative Day.

MOTION TO ADJOURN LOST

At 10 o'clock P. M., Mr. Carter moved that the Senate now adjourn until Friday, August 2, 1963, at 10 o'clock A. M., which motion was lost.

Yeas 14; Nays 18.

Yeas:

Messrs.	Lolley	Montgomery	Taylor	
Carter	Lowe	Nichols	Tyson	
Cooper	Mathews	Oden	Wilson	
Hammond	McDow	Shelton		—14

Nays:

Messrs.	Clark	Givhan	Reynolds	
Adams	Dumas	Hawkins	Roberts	
Allen	Eddins	Horton	Robison (Montgomery)	
Bentley	Evans	James	Robison (Pickens)	
Brannan	Gilchrist	Metcalf		—18

FURTHER CONSIDERATION OF S. B. 8

The Senate proceeded to further consideration of the Bill, S. B. 8, as amended, and pending amendment.

The question was on the motion of Mr. McDow that further consideration of said Bill, S. B. 8, as amended and pending amendment be postponed until the Twenty-eighth Legislative Day. On motion of Mr. Carter, the motion to postpone was laid on the table.

Yeas 28; Nays 4.

Yeas:

Messrs.	Eddins	Lolley	Reynolds	
Adams	Evans	Lowe	Roberts	
Allen	Gilchrist	Mathews	Robison (Montgomery)	
Bentley	Givhan	Metcalf	Robison (Pickens)	
Brannan	Hawkins	Montgomery	Shelton	
Carter	Horton	Nichols	Tyson	
Clark	James	Oden	Wilson	
Dumas				—28

Nays:

Messrs.	Hammond	McDow	Taylor	
Cooper				—4

FURTHER CONSIDERATION OF S. B. 8

The Senate proceeded to further consideration of the Bill, S. B. 8, as amended. The question was on the amendment offered by Mr. Cooper to the Bill, as amended.

Mr. Hawkins then offered the following substitute for the Bill S. B. 8, as amended, and pending amendment, to-wit:

Subst. for S. B. 8, as amended, and pending Amdt.

A BILL
TO BE ENTITLED
AN ACT

To regulate the lending of money repayable in installments,

whether secured or unsecured; to provide the maximum rate of interest secured or unsecured; to provide the maximum rate of interest and other charges on such transactions; to regulate such transactions; to prescribe penalties for violation of this Act; to define the phrase "installment loan" for the purpose of this Act; to provide for a short title therefor so that the same may be cited as the "Installment Loan Act"; to provide for the repeal of inconsistent laws heretofore enacted; to provide exemptions from the provisions of this Act; to provide when this Act shall take effect, and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

Be It Enacted By The Legislature Of Alabama:

Section 1 (a). It shall be lawful to make installment loans, whether secured or unsecured, and to charge as interest therefor upon the total amount of the loan from the date thereof until the maturity date of the final installment as follows:

(1) not exceeding seven dollars per \$100 per annum if the amount of the loan does not exceed \$3,000.

(2) not exceeding six dollars per \$100 per annum if the amount of the loan exceeds \$3,000;

Such charge may be precomputed and added to the principal at the time the loan is made. Interest may not be discounted on such loan.

(b) In lieu of the charge authorized hereinabove, a lender may precompute the following charges as interest and add them to the principal of the loan provided each installment fall due no more frequently than monthly and provided further that each installment be at least \$10.00, except the last installment, which may be any amount less than \$10.00;

(1) On loans of less than \$100.00, a charge of \$1.00 per installment;

(2) On installment loans of \$100.00 or more, a charge of \$1.25 per installment.

Section 2. By agreement, the borrower may be required to pay additional charges on such loan, but only if

(a) the total of all interest and charges exclusive of those authorized by Section 2 hereof does not exceed

(1) On loans of less than \$100.00, a charge of \$1.00 per installment;

(2) On installment loans of \$100.00 or more, a charge of \$1.25 per installment.

Provided, however, no lender shall induce or permit any person, or any husband and wife, jointly or severally, to become obligated directly or contingently, or both, under more than one contract of loan at the same time for the purpose of obtaining a higher charge than would otherwise be permitted by this Section 1 (b). And it shall be unlawful for any lender to evade, or attempt to evade, this section by inducing a customer to borrow from another lender in which he has a pecuniary interest or with whom he has an arrangement for exchange of customers.

Section 2. By agreement, the borrower may be required to pay or reimburse the lender for reasonable actual expenditures including attorney fees, incurred in securing or collecting, or in attempting to secure or collect, any such loan which is in default, whether by foreclosure or otherwise.

Section 3. By agreement, the borrower may be required to pay additional charges on such loan, but only if

(a) the total of all interest and charges exclusive of those authorized by Section 2 hereof does not exceed the maximum amount that could have been charged under Section 1 hereof for the full term of the loan originally contracted for; or, in the alternative,

(b) no charges other than those authorized by Sections 1 and 2 and this subsection 3 (b) are made and the terms and conditions of this subsection 3 (b) are strictly observed:

(1) when an installment is in default 10 days or more, a late charge not exceeding 5% of the amount of any payment or payments in default, or of fifty cents on each payment in default, whichever is greater. Such late charge may be made only once as to each installment in default.

(2) to prevent the expense of refinancing, and where the borrower requests it, the lender may extend the due date of any payment or payments, but the rate charged during such extension may never exceed the rate authorized in Section 1 of this Act.

(3) the premium on any life insurance policy on the life of the borrower. Said insurance may not exceed the approximate term of said loan, or the approximate amount of the loan or commitment to lend. Any reasonable gain or advantage in the form of commission, or otherwise, to the lender or to any employee, affiliate or associate of the lender, from such insurance and its sale shall not be considered an unlawful charge in connection with the loan. In no event shall the premium paid by the borrower for insurance exceed the premium remitted by the lender to the insurance company for such insurance, and commission as provided in the contract between the insurance company and the lender.

(4) the premium for risk, collision or hazard insurance (including so-called home-owner's policies and similar multiline coverage) covering any collateral securing said loan for the term thereof as nearly as possible. A reasonable commission or premium may be received on such insurance by any duly licensed insurance agent or insurance company and such commission or premium shall not be considered as unlawful charge in connection with the loan.

(5) The insurance authorized in subsections (3) and (4) hereof must be written by insurance companies authorized to do business in Alabama. Premiums for said insurance may be deducted from the proceeds of the loan.

(6) An amount equal to the fees which may be charged by public officers for filing, recording and releasing, and taxes upon, the instruments evidencing the indebtedness or security therefor.

Section 4. Whoever willfully violates this Act is guilty of a misdemeanor and upon conviction shall be punished as prescribed by law. Where charges other than or in excess of those expressly authorized by

this Act are willfully made, the contract or loan shall not be enforceable in a court of law and shall be void and the lender shall have no right to collect, receive or retain any principal or interest whatsoever.

Section 5. If any installment loan is paid in full one month or more before the final installment date, the lender shall refund to the borrower that portion of the interest charged which shall be due the borrower as determined by schedules prepared under the rule of 78ths or the sum of the digits principle as follows: The amount of the refund shall be as great a proportion of the total interest charge originally contracted for as the sum of the periodic time balances of the contract scheduled to follow the date of prepayment bears to the sum of all the periodic time balances of the contract, both sums to be determined according to the payment schedule originally contracted for. The lender shall also refund any unearned premium that any insurance company may refund to the lender by reason of the prepayment of the particular loan. No refund of less than \$2.00 need be made. This section shall not apply to any installment loan on which the interest charge originally contracted for does not exceed that authorized by Title 9, Section 60, Alabama Code 1940.

Section 6. To insure full disclosure to the borrower, the lender shall furnish the borrower, or if there be two or more, one of them, a statement showing the amount contracted to be repaid, the interest and other charges to be paid by the borrower, and any other expenses paid by the lender for the account of the borrower, or a copy of the loan instruments and closing statement itemizing all charges and disbursements paid by the borrower at the time of closing.

Section 7. For the purposes of this Act, the phrase "installment loan" is any loan of money which is repayable in two or more payments. If the payments are not substantially equal in amount, or do not fall due at substantially equal time intervals, the effective rate of interest on the loan for the entire period thereof, or on the outstanding balance at any time during the loan, must never exceed the maximum effective rate that could be charged under Section 1 hereof if the installments were substantially equal in amount and fell due at substantially equal time intervals.

Section 8. Nothing contained in this Act shall apply to loans of three hundred dollars or less by any lender licensed under the provisions of Act No. 374, H. 102, approved Nov. 6, 1959 (General Acts of Alabama 1959, p. 966). Provided further that with respect to all loans in excess of \$300 by any lender licensed under the provisions of said Act No. 374 the entire amount of said loans shall be subject to all the provisions of this Act. Nothing contained in this Act shall apply to any loan of money or forbearance of money, goods, or things in action secured in whole or in part by lien, mortgage, deed of trust, or other conveyance of real property or any interest in real property. Nothing contained in this Act shall apply to loans made to, or bonds, debentures, notes, warrants, certificates of indebtedness, or other securities issued by corporations, trusts, or legal entities other than natural persons, unless the Act is specifically made applicable by the written instrument evidencing the particular transaction, provided, however, that a partnership shall be deemed a natural person for the purposes of this Section. Nothing contained in this Act shall apply to the purchase or sale of property on credit.

(a) Nothing contained in this Act shall apply to loans made by insurance companies qualified to do business in Alabama, nor to loans made by profit-sharing and retirement plans and pension plans which

are qualified as exempt plans under Sections 401 and 501 of Internal Revenue Code of 1954, unless, in any such loan the Act is specifically made applicable by a written instrument evidencing the particular loan.

Section 9. Nothing contained in this Act shall prevent any person, firm or corporation from purchasing or otherwise acquiring from the payee or holder thereof any obligation in writing to pay money in installments for such price or other consideration, and upon such additional terms and conditions as may be mutually agreeable.

Section 10. This Act may be cited as the "Installment Loan Act", which shall be considered as its short title.

Section 11. If any clause, section, division or portion of this Act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other clause, section, or portion of this Act which is not itself unconstitutional.

Section 12. The rates, penalties, premiums and charges authorized by this Act shall be construed as exceptions to the laws of Alabama governing interest and usury. All laws or parts of laws in conflict herewith are hereby repealed, but only to the extent in conflict with this Act. This Act shall take effect 90 days after its passage and approval by the Governor, or 90 days after its otherwise becoming a law.

ORDER TO PRINT

On motion of Mr. Hawkins, one hundred copies of the substitute for S. B. 8 were ordered printed for the use of the Senate.

ADJOURNMENT

Mr. Carter moved that the Senate now adjourn until Friday, August 2, 1963, at 10 o'clock A. M.

Mr. Clark moved as a substitute motion that the Senate adjourn until Friday, August 2, 1963, at 9 o'clock A. M., which was adopted.

Yeas 18; Nays 13.

Yeas:

Messrs.	Dumas	Hawkins	Roberts	
Adams	Eddins	Horton	Robison	(Montgomery)
Bentley	Evans	James	Robison	(Pickens)
Brannan	Gilchrist	Metcalf	Shelton	
Clark	Givhan	Reynolds		—18

Nays:

Messrs.	Hammond	McDow	Taylor	
Allen	Hornsby	Montgomery	Tyson	
Carter	Lolley	Oden	Wilson	
Cooper	Lowe			—13

And the motion by Mr. Carter, as amended, was then adopted by the Senate and at 10:39 P. M., pending further consideration of S. B. 8, the Senate did adjourn until Friday, August 2, 1963, at 9 o'clock A. M.

TWENTY-SEVENTH LEGISLATIVE DAY

FRIDAY, AUGUST 2, 1963

The Senate met pursuant to adjournment, Lieutenant Governor Allen presiding.

PRAYER

The Session was opened with prayer by Honorable C. M. Wilson, Chaplain of the Senate.

ROLL CALL

Present:

Messrs.	Eddins	Lolley	Reynolds
Adams	Evans	Lowe	Roberts
Allen	Gilchrist	Mathews	Robison (Montgomery)
Bentley	Givhan	McCain	Robison (Pickens)
Brannan	Hammond	McDow	Shelton
Carter	Hawkins	Metcalf	Smith
Clark	Hornsby	Montgomery	Taylor
Cooper	Horton	Nichols	Tyson
Dumas	James	Oden	Wilson

—35

JOURNAL

On motion of Mr. Nichols, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Six Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

WILLIAM C. MCCAIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. McCain, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Sixth Legislative Day was approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hammond:

S. 378. To appropriate to the Department of Conservation, Division of State Parks, Monuments and Historical Sites, the sum of Thirty Thousand Dollars (\$30,000) for the repair of the State-owned dam and construction of additional facilities at DeSoto Falls in DeKalb County, Alabama.

Committee on Finance and Taxation.

By Mr. Hammond:

S. 379. Relating to DeKalb County; fixing the minimum pay for school bus drivers.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA,
COUNTY OF DeKALB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to DeKalb County; fixing the minimum pay for school bus drivers.

Be It Enacted by the Legislature of Alabama:

Section 1. Each school bus driver in DeKalb County shall be paid a minimum salary of one hundred five dollars (\$105) per month, such salaries to be paid out of the public school funds of the county. Nothing contained in this Act shall be construed as prohibiting the employing board of education from paying school bus drivers on a 12-month basis.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall take effect October 1, 1963.

PUBLISHER'S CERTIFICATE

STATE OF ALABAMA
COUNTY OF DeKALB

Personally appeared before the undersigned, a Notary Public, within and for said County and State, Ben M. Smith, publisher of The Times-Journal, a newspaper published at Fort Payne, County of DeKalb.

State of Alabama, who being duly sworn, states on oath that the notice, a true copy of which is hereto annexed, was published in said newspaper in its issues of July 9, 16, 23, 30, 1963.

BEN M. SMITH,
Publisher.

Sworn to and subscribed before me this 30th day of July, 1963.

MAUDE C. DAVIDSON,
Notary Public.

My commission expires May 10, 1967.

By Mr. Reynolds:

S. 380. Relating to counties having populations of not less than 26,000 nor more than 27,000; further regulating the pay for school bus drivers employed on a salary basis by boards of education of such counties.

Committee on Local Legislation.

By Messrs. Brannan, Tyson, Lowe, McDow, Hammond, Taylor, Lolley, Hornsby, James and Horton:

S. 381. To provide for the uniform disposition of unclaimed and abandoned tangible and intangible personal property including a definition of terms, property held by banking or financial institutions, unclaimed funds held by insurance companies, deposits and refunds held by utilities, undistributed dividends and distributions of business associations, property of business associations and banking or financial organizations held in course of dissolutions, property held by fiduciaries, property held by Federal Courts and Federal officers and agencies, miscellaneous personal property held for another person; to provide for reciprocity for property presumed abandoned or escheated under the laws of another state; to provide for the report of abandoned property; to provide for the notice and publication of lists of abandoned property; to provide for the payment or delivery of abandoned property to the Commissioner of Revenue; to provide for the relief from liability to the holder by payment or delivery to the Commissioner of Revenue; to provide that no income shall accrue after payment or delivery to the Commissioner of Revenue; to provide that periods of limitation shall not be a bar to recovery by the Commissioner of Revenue or the duty to file reports; to provide for the sale of abandoned property; to provide for the deposit and disposition of funds; to provide for the claim for abandoned property paid or delivered; to provide for the determination of claims by the Commissioner of Revenue; to provide for judicial action or review; to provide for election by the Commissioner of Revenue to take payment or delivery in certain cases; to provide for the examination of records; to provide for judicial proceedings to compel payment or delivery; to prescribe penalties; to provide for the administration and enforcement of the Act by the Commissioner of Revenue and the State Department of Revenue; to provide for the effect of laws of other states; to provide for the severability of this Act; to provide for the uniformity of interpretation of this Act; to provide for a short title of this Act; to repeal conflicting laws; and to provide an effective date for this Act.

Committee on Finance and Taxation.

By. Mr. Wilson:

S. 382. To provide for a one-step salary increase for Merit System employees of the State of Alabama in the lower income brackets.

Committee on Finance and Taxation.

By. Mr. Wilson:

S. 383. To amend Section 148, Title 41, Code of Alabama 1940 relating to payment of salaries of officers and employees of the State of Alabama; and to further provide for an annual salary increase.

Committee on Finance and Taxation.

By. Mr. Wilson:

S. 384. Relating to Walker County; providing further for the operation, management and control of the county hospital and related or allied facilities, creating a board of managers for the hospital and authorizing the board to appoint a hospital administrator as its chief executive officer.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Walker County; providing further for the operation, management and control of the county hospital and related or allied facilities, creating a board of managers for the hospital and authorizing the board to appoint a hospital administrator as its chief executive officer.

Be It Enacted by the Legislature of Alabama:

Section 1. The public hospital owned by Walker County, and all related and allied facilities operated in connection therewith, shall be under the general supervision, management, and control of a board of managers selected as provided in Section 2.

Section 2. The board shall consist of seven members, who shall serve concurrent terms of four years each. Four members shall be elected at the general election of county officers in November, 1964, and every four years thereafter, to hold office from the first Monday after the second Tuesday in January next following their election, and until their successors are elected and qualified. Two members shall be elected by the members of the Walker County Medical Society from among their own number who are actively practicing medicine or surgery. One member shall be appointed by the court of county commissioners, board of revenue, or other like county governing body, by whatever name called. Vacancies on the board shall be filled for the unexpired term by the appointing authority, or in the case of elective members, by the governor.

Section 3. The members of the board shall select a chairman and vice chairman from among their number, and may fix their terms and

prescribe their powers and duties. The board shall appoint a qualified person trained in hospital administration as its executive officer, who shall have general superintendence of the county hospital and its related facilities.

Section 4. The members of the board shall each be entitled to receive \$10.00 per meeting for the performance of his duties under this Act. The executive officer of the board shall be entitled to such compensation as the board may prescribe, and shall serve at the pleasure of the board.

Section 5. The executive officer of the board shall be administrator of the hospital and related facilities, shall do all the buying for the hospital, and shall appoint, promote, demote, dismiss or discharge all personnel employed in the operation of the hospital; and, subject to the approval of the board, he shall fix their compensation.

Section 6. The sum of \$25,000 is hereby appropriated annually from the general funds of Walker County to the use of the board for payment of salaries and other current expenses incurred in its operation. Provided, that the annual appropriation made in this section shall lapse and terminate upon the levying of a county excise or privilege license tax for support of the board and county hospital.

Section 7. The governor shall, within 30 days, after the date of this enactment, appoint four qualified persons to serve as members of the board until the first Monday after the second Tuesday in January, 1965. The appointing authorities, that is, the Walker County Medical Society and the county governing body, shall likewise make similar appointments.

Section 8. All laws or parts of laws which conflict with this Act are repealed.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall take effect October 1, 1963.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF WALKER

Before me, the undersigned authority in and for said County in said State, this day personally appeared Richard Dowis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Daily Mountain Eagle, a newspaper of general circulation published in Walker County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the Senate of Alabama, said notice having appeared in the issues of said paper on June 17, June 24, July 1, and July 8, all in the year 1963.

RICHARD DOWIS,

Sworn to and subscribed before me July 29, 1963.

FAY O'REAR,
Notary Public

By Messrs. Allen, Hammond, Carter, Lolley and Lowe:

S. 385. To propose an amendment to the Constitution fixing the compensation of members of the Alabama Legislature.

Committee on Constitution and Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Hawkins:

S. 386. Relating to the purchase of supplies, materials, equipment, and contractual services by the state and its political subdivisions; requiring the use of supplies and materials manufactured or produced in the United States or its territories; and repealing conflicting laws.

Committee on Finance and Taxation.

By Mr. Tyson:

S. 387. Relating to municipalities having populations of not less than 200,000 nor more than 300,000, according to the 1960 or any subsequent federal decennial census; providing an optional form of government which may be adopted by such municipalities; and providing the method by which any such municipality may adopt such an optional form of municipal government.

Committee on Local Legislation.

By Mr. Tyson:

S. 388. To regulate further the power and authority of cities having populations of not less than 150,000 nor more than 350,000, according to the last or any subsequent federal decennial census, to levy, impose, or collect privilege license taxes.

Committee on Local Legislation.

By Mr. Nichols:

S. 389. To authorize, provide for and regulate the establishment and operation of a pension and retirement system for employees of the City of Sylacauga and certain incorporated and unincorporated municipal boards of such city; to authorize and provide for the establishment of the Sylacauga Employees Pension Trust Fund, provide for the composition, management and administration of such trust fund; and to authorize, provide for and regulate the payment of benefits under the system.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL

STATE OF ALABAMA
COUNTY OF TALLADEGA

NOTICE is hereby given that a bill substantially as follows will

be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize, provide for and regulate the establishment and operation of a pension and retirement system for employees of the City of Sylacauga and certain incorporated and unincorporated municipal boards of such city; to authorize and provide for the establishment of the Sylacauga Employees Pension Trust Fund, provide for the composition, management and administration of such trust fund; and to authorize, provide for and regulate the payment of benefits under the system.

Be It Enacted by the Legislature of Alabama:

Section 1. A pension and retirement system for employees of the City of Sylacauga, the Utilities Board of the City of Sylacauga, a public corporation organized under the general law, the Park and Recreation Board of Sylacauga, an unincorporated municipal board organized by said city under the general law, and the Library Board of the City of Sylacauga, an unincorporated board organized by the city under the general law, may be established and the Sylacauga Employees Pension Trust Fund in connection therewith may be created, maintained, and administered for the benefit of such employees in the manner hereinafter prescribed.

Section 2. If the mayor and city council of the City of Sylacauga, the board of directors of the Utilities Board of the City of Sylacauga, the Park and Recreation Board of the City of Sylacauga and the Library Board of the City of Sylacauga, hereinafter individually and collectively called the employer, desire to establish such system they shall each separately approve the plan for the pension and retirement system. When such plan is approved by each of such employers, the system shall become effective as of the date specified in the plan.

Section 3. Any pension and retirement plan adopted pursuant to this Act shall:

1. Be designated and known as the Sylacauga Employees Pension Trust.

2. Provide for establishment of a trust so designed that it will qualify under Sections 401, 501 and 404, United States Internal Revenue Code (should these provisions of the Internal Revenue Code ever apply to any one of the employers named in Section 2 hereof) as a tax-exempt pension plan for federal income tax purposes.

3. Prescribe conditions for voluntary participation in the system by persons employed by each of the above named employers when the system becomes effective and may provide for compulsory participation in the system by certain classes of employees of such employers who are employed after the system becomes operative.

4. Provide for contributions by the employees and by the employers to the pension trust fund from which benefits under the system shall be paid; and shall prescribe the amount of such contributions, and the method and time of payment thereof. Such plan may also provide for contributions by employees who are over a certain age (specified in the plan) and who have had a certain number of years or more of prior

service (such number to be specified in the plan) when the system becomes effective at a greater rate than other employees, and may also authorize contributions from other sources to be accepted for the trust.

5. Provide for and prescribe the manner of the payment of benefits upon reaching normal retirement age and upon retirement because of disability prior to such age; and the plan may provide for payments of benefits or returns of contributions upon separations from service at an earlier age; but it shall not provide for payment of benefits upon the death of an employee, except that such plan may provide for a continuation of an employee's pension at a reduced rate to his or her spouse or the return of contributions, at the option of the employee, beyond the date of such employee's death. Sixty-five years of age shall be the normal retirement age under a retirement system established under this Act.

6. Prescribe rules for computing service creditable toward retirement and the compensation base upon which benefits are to be determined.

7. Provide for the administration of the pension system by an employer pension committee, provide for the composition of this committee, prescribe the rights, powers, duties, authority and liabilities of such committee and of the members thereof and may prescribe the effect to be given to decisions of such committee relative to matters involving rights to benefits and the management and administration of the trust fund.

8. Authorize and provide for the execution of a trust agreement between the employers and a bank, having a trust department duly licensed to serve as trustee in Alabama, to accept and administer the Sylacauga Employees Pension Trust Fund created pursuant to the pension and retirement plan authorized by this Act.

9. Provide for and prescribe the manner in which the employers, or any one of them may terminate its obligations under the system and provide for the continuation of the system as long as any one employer continues its participation. The rules relative to termination of the system shall provide for safeguarding the rights of members of the system.

10. Authorize, provide for, and regulate amendments to the pension plan and to any trust agreement made pursuant to that part of the plan authorized in item 8 above. The plan may provide that amendments thereof may be made by the city council of the City of Sylacauga, subject to approval or veto by the mayor, without the consent of any party, except that no amendment shall, without his consent, deprive, limit, lessen or restrict any right or interest to which an employee is already entitled from prior contributions of an employer, unless required to preserve the pension plan and trust as a qualified tax-exempt trust under federal income tax laws. No amendment shall be made or authorized under the plan which vests any right, title or interest in or to the trust fund established under this act in the employer, or any one of them; nor shall any amendment, which affects the rights, duties, responsibilities or obligations of the trustee under the trust agreement be authorized or made without the consent of the trustee.

11. Provide for the employment of an actuary and authorize and provide for the use of tables, valuations, data and opinions furnished by the actuary.

12. Prescribe the manner of giving required notices, instructions, and communications and of filing requests.

Section 4. The right of a person to a pension, or any other benefits or to a return of contributions under a pension system established under this Act and the moneys in the Sylacauga Employees Pension Trust Fund are exempt from any state or municipal tax and exempt from levy and sale, garnishment, attachment or any other process whatsoever, and shall be unassignable, except as in this Act specifically otherwise provided.

Section 5. No provision of a pension plan adopted hereunder shall bestow or purport to bestow or be construed to bestow on any employee of any employer listed in Section 2 of this Act, the right to be retained in the employ of either of such employers, nor shall any provision in such a pension plan be construed to curtail or in any manner interfere with the right of the employer to terminate the employment of any employee at any time.

Section 6. All benefits provided under any plan adopted under this Act shall be payable by the trustee under the direction of the employers pension committee, and solely from the Sylacauga Employees Pension Trust Fund and the earnings thereon. Under no circumstances shall the employers, nor any one of them, be liable for the payment to any beneficiary of any of such benefits; nor shall the officers, directors and employees of such employers, nor the trustee, nor the members of the employer pension committee be individually liable therefor. However, nothing hereinabove shall be deemed to relieve any person from liability for losses to the system or the pension trust fund resulting from his gross negligence or willful misconduct in the administration of the system or the trust fund.

Section 7. A copy of the pension plan and of any and all amendments thereto shall be kept at the office of the city clerk and at the main office of each of the employers, and such copies shall be available to employees of such employers for inspection at all reasonable times.

Section 8. This Act is supplemental and its purpose is to provide an addition or alternative method or providing for the retirement and pensioning of municipal employees of Sylacauga and the several municipal boards in such city. It shall not be construed to abridge the right of the employer to provide or participate in providing for the retirement and pensioning of employees in any other way or manner prescribed by law.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF TALLADEGA

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. A. Moody, who, being

by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of The Sylacauga Advance, a newspaper of general circulation published in Talladega County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 11, July 18, July 25, and August 1, all in the year 1963.

W. A. MOODY,

Sworn to and subscribed before me August 1st, 1963.

H. C. KRAMER, JR.,
Title Notary Public.

By Mr. Tyson:

S. 390. To amend Code of Alabama 1940, Title 29, Section 1, in relation to definitions of terms used in the ABC Act.

Committee on Temperance.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Goodwyn:

H. 582. To provide for the punishment of an Attempt to Commit Burglary in the First Degree, Burglary in the Second Degree, Burglary in a Railroad Car and Burglary of a Motor Vehicle.

Also:

By Mr. Goodwyn:

H. 584. To amend Section 124 of Title 14 of the Code of Alabama of 1940.

Also:

By Mr. Goodwyn:

H. 586. To amend Section 415 of Title 14 of the Code of Alabama 1940.

Also:

By Mr. Goodwyn:

H. 587. To amend Section 240 of Title 13 of the Code of Alabama 1940.

Also:

By Mr. Goodwyn:

H. 588. To amend Section 33 of Title 14 of the Code of Alabama 1940.

Also:

By Mr. Goodwyn:

H. 590. To amend Section 331 of Title 14 of the Code of Alabama 1940.

Also:

By Mr. Goodwyn:

H. 591. To amend Section 334 of Title 14 of the Code of Alabama 1940.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 582, 584, 586, 588, 590 and 591 — to the Committee on Judiciary

H. B. 587 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Burnham, Albea and Merrill:

H. 880. Relating to counties having a population of not less than 76,000 nor more than 96,000: Providing for the reindentification of all registered voters; directing the Board of Registrars to purge the list of registered voters; and providing a penalty for willfully making a false statement in connection with reindentification.

Also:

By Mr. McCorquodale:

H. 881. To provide that clerks of county courts or other inferior courts in counties having a population of not less than 25,700 nor more than 25,900, according to the 1960 or any subsequent federal decennial census, may take affidavits and complaints, issue warrants of arrest in misdemeanor and felony cases, and issue search warrants.

Also:

By Mr. Casey:

H. 884. Relating to counties having populations of not less than 10,800 nor more than 11,800; prohibiting payroll deduction of dues of teachers and school employees in professional organizations; prescribing punishment for violations.

Also:

By Mr. McCorquodale:

H. 882. Relating to counties having a population of not less than 25,700 nor more than 25,900; regulating further the compensation and expense allowance of county superintendents of education.

Also:

By Mr. McCorquodale:

H. 883. To provide an allowance for clerk hire for the circuit court clerk of all counties having populations of not less than 25,700 nor more than 25,900.

Also:

By Mr. Teel:

H. 886. Relating to counties having populations of less than 10,800; prescribing the compensation of the county superintendents of education.

Also:

By Mr. Teel:

H. 887. To fix and provide for the payment of the ex officio fees of the clerks of the circuit courts of all counties in this state having populations of not more than 11,800, according to the last or any subsequent federal decennial census.

Also:

By Mr. Teel:

H. 888. Relating to Coosa County; providing additional compensation for certain election officers.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Coosa County; providing additional compensation for certain election officers.

Bt It Enacted by the Legislature of Alabama:

Section 1. Election officers who are appointed and serve in Coosa County under provisions of Chapter 1, Title 17, Code of Alabama 1940, as amended, shall receive additional compensation and allowances as follows: The returning officer and the inspectors and clerks shall each be entitled to an additional five dollars (\$5.00); the several claims shall be paid as preferred claims, out of moneys in the county treasury not otherwise appropriated, on proper proof of service rendered, and shall be paid from county funds only and for which there shall be no reimbursement by the state.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF COOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. C. Henderson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Alexander City Outlook, a newspaper of general circulation published in Coosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 16, May 23, May 30, and June 6, all in the year 1963.

J. C. HENDERSON,

Sworn and subscribed before me June 7, 1963.

VONCILLE M. DEAN,
Title Notary Public.

My Commission Expires February 12, 1967.

Also:

By Mr. Teel:

H. 889. To provide for the selection of office assistance for the County Superintendent of Education for Coosa County, Alabama, and to fix the compensation of such help.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL TO BE ENTITLED AN ACT

To provide for the selection of office assistance of the County Superintendent of Education for Coosa County, Alabama, and to fix the compensation of such help.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Board of Education of Coosa County, Ala., shall determine the amount of office help necessary for the County Superintendent of Education and shall fix the compensation of such help and the time and manner of payment thereof; the County Super-

intendent of Education shall nominate and, the County Board of Education shall elect the office help provided by this Act.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF COOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. C. Henderson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Alexander City Outlook, a newspaper of general circulation published in Coosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 16, May 23, May 30, and June 6, all in the year 1963.

J. C. HENDERSON,

Sworn to and subscribed before me June 7, 1963.

VONCILLE M. DEAN,
Title Notary Public
My Commission Expires February 12, 1967.

Also:

By Mr. Stembridge:

H. 904. To amend Title 14, Section 246, Code of Alabama 1940, so as to authorize domino games in billard rooms in counties having a population of not less than 50,000 nor more than 54,000.

Also:

By Mr. Hankins:

H. 907. To repeal Act No. 851, H. 1478, Regular Session 1961 (Acts 1961, p. 1277), which authorizes the court of county commissioners, board of revenue, or other like governing body of Lamar County to levy, when approved by a majority of the qualified voters of the county, special privilege license and excise taxes paralleling the state sales and use taxes, and provide for the collection and enforcement of such taxes by the state department of revenue.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA COUNTY OF LAMAR

NOTICE is hereby given that a bill substantially as follows will

be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To repeal Act No. 851, H. 1478, Regular Session 1961 (Acts 1961, p. 1277), which authorizes the court of county commissioners, board of revenue, or other like governing body of Lamar County to levy, when approved by a majority of the qualified voters of the county, special privilege license and excise taxes paralleling the state sales and use taxes, and provide for the collection and enforcement of such taxes by the state department of revenue.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 851, H. 1478, Regular Session 1961 (Acts 1961, p. 1277) "An Act Relating to the levy of additional taxes for certain purposes in Lamar County; authorizing the court of county commissioners, board of revenue, or other like governing body of the county to levy, when approved by a majority of the qualified voters of said county, special county privilege license and excise taxes paralleling state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and supplemented; providing for the collection and enforcement of such taxes by the state department of revenue," is hereby repealed as of midnight September 30, 1963.

Section 2. All the provisions of said Act 851, H. 1478 pertaining to payment and collection of taxes levied therein, the making of reports and maintenance of records with respect thereto, and in general the enforcement of said Act shall continue to be effective with respect to the taxes therein levied that shall have accrued thereunder before October 1, 1963.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LAMAR

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack Hankins, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Lamar Democrat, a newspaper of general circulation published in Lamar County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 27, July 4, July 11, and July 18, all in the year 1963.

JACK HANKINS.

Sworn to and subscribed before me July 19, 1963.

NELLIE RUTH TAGGART,
Title Notary Public.

Also:

By Messrs. Hannah and Boston:

H. 908. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Florence in Lauderdale County so as to annex certain territory to the city.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the City of Florence in Lauderdale County so as to annex certain territory to the city.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Florence in Lauderdale County are hereby altered, rearranged, and extended so as to include within the corporate limits of the city the following described territory situated in Lauderdale County, to-wit:

The South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$; the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ and all of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ lying Westwardly of Hermitage Drive (formerly Military Road) in Section 35 and that part of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ lying Westwardly of Hermitage Drive and Southwardly of ROSE VELDT, a subdivision, plat of which is recorded in the Probate Office of Lauderdale County, Alabama, in Plat Book 2, Page 37, also that part of the Southwest $\frac{1}{4}$ of Northwest $\frac{1}{4}$ lying Southwestwardly of said Rose Veldt in Section 36, all in Township 2 South, Range 11 West and being more particularly described as beginning on the existing city limit line in the center of Rickwood Road at the intersection of the South line of Section 35, Township 2 South, Range 11 West and the West line of the Southeast $\frac{1}{4}$ of said Section 35; thence Northwardly along the West line of said Southeast $\frac{1}{4}$ a distance of 2665.26 feet, more or less, to the Northwest corner of said Southeast $\frac{1}{4}$; thence Eastwardly along the North line of said Southeast $\frac{1}{4}$ a distance of 1320 feet, more or less to the Southwest corner of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 35; thence Northwardly along the West line of said Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ (and along the East line of Lots 30 through 35 of Mars Hill Acres, according to the plat thereof recorded in Plat Book 3 at page 23 of aforesaid records), a distance of 660 feet, more or less to the Northwest corner of the South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 35; thence Eastwardly along the North line of the South $\frac{1}{2}$ of the

Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 35 (and along the South line of Lots 12 through 26 of said Mars Hill Acres) 1320 feet more or less to the Southeast corner of Lot 12 thereof, being a point on the existing city limit line and on the West line of said Rose Veldt, and the West line of Section 36, Township 2, South, Range 11 West; thence South with the existing city limit line and the West line of said Rose Veldt 150 feet, more or less to the Southern-most corner of Lot 55 of said Rose Veldt, thence in a generally Southeastwardly direction with the existing city limit line as defined by the Southwestwardly line of said Rose Veldt and the meanderings of a big ditch to the center line of Hermitage Drive (formerly Military Road); thence Southwestwardly along the center line of said Hermitage Drive to its intersection with the center line of Rickwood Road, being the South line of Section 35, Township 2, South, Range 11 West; thence Westwardly along the center line of Rickwood Road, the South line of Section 35 and the existing City limit line to the point of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Beulah C. Sutton, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was secretary to the Publisher of The Florence Herald, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on February 21, February 28, March 7, and March 14, all in the year 1963.

BEULAH C. SUTTON,

Sworn to and subscribed before me March 25, 1963.

H. S. MAY,
Title Notary Public.

Also:

By Messrs. Turnham, Harper, Cooper and Young:

H. 911. Relating to the office of Solicitor of the Fifth Judicial Circuit: creating a solicitor's fund for the use of the Circuit Solicitor.

Also:

By Mr. Turner (Limestone):

H. 915. To amend Section 2 of Act No. 204, H. 544, Regular Session 1959, an act fixing and providing for payment of the compensation of clerks and assistants of certain officers of Limestone County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF LIMESTONE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Limestone County; to amend further Act No. 120, S. 210, approved July 17, 1947, as amended relating to the office of the tax collector, increasing the compensation of the clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of said Act No. 120, S. 210, approved July 17, 1947, as amended, is amended further to read as follows:

"Section 2. The tax collector may employ a clerk whose salary shall be fixed at three thousand six hundred dollars (\$3,600) per annum. The salary of the clerk shall be paid by the county in the same manner as the salaries of other county employees are paid. The tax collector shall not employ such clerk unless he shall file on or before October 1 of each year his affidavit showing a necessity for such employee during the ensuing year."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LIMESTONE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Steele McGrew, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of The Alabama Courier, a newspaper of general circulation published in Limestone County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 20, June 27, July 4, and July 11, all in the year 1963.

STEELE MCGREW,

Sworn to and subscribed before me the 16 day of July, 1963.

LOLA L. ORR,
Title Notary Public.

Also:

By Mr. Turner (Limestone):

H. 916. To amend Section 3 of Act No. 204, H. 544, Regular Session 1959, an act fixing and providing for payment of the compensation of clerks and assistants of certain officers of Limestone County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF LIMESTONE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Limestone County; to amend further Section 2 of Act No. 95, H. 395, approved July 7, 1947, as amended, relating to the office of the tax assessor, increasing the compensation of the regular clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 95, H. 395, approved July 7, 1947, as amended, relating to the office of the tax assessor is amended further to read as follows:

"Section 2. The tax assessor may employ a regular clerk whose salary shall be fixed at thirty-six hundred dollars (\$3600) per year. In addition to the regular clerk the tax assessor may employ a temporary clerk for a period not to exceed three months in any year. The salary of the temporary clerk shall be fixed by the tax assessor at not less than ninety dollars (\$90) nor more than one hundred thirty-five dollars (\$135) per month. The salaries of both clerks shall be paid by the county. The tax assessor shall not employ either clerk unless he shall file on or before October 1 of each year his affidavit showing a necessity for the employment of clerks during the ensuing year."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Sections 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PUBLISHER'S AFFIDAVIT

STATE OF ALABAMA
COUNTY OF LIMESTONE

Personally appeared before me the undersigned authority in and

for said county and state, Steele McGrew, who after being duly sworn deposes and says:

My name is Steele McGrew. I am editor and publisher of The Alabama Courier a newspaper of general circulation, published weekly in Athens, Limestone County, Alabama. The copy of publication hereto attached was published in said paper for 4 consecutive weeks, the first copy of said notice appearing in the issue of said paper published on the 20 day of June, 1963, and the last copy of said publication appearing in the said paper on the 11 day of July, 1963.

STEELE MCGREW,

Sworn and subscribed to before me this 11 day of July, 1963.

LOLA L. ORR,
Title Notary Public.
My Commission Expires 7-16-63.

Also:

By Messrs. Pennington, Reynolds and Baker (Madison):

H. 919. Relating to counties having populations of not less than 110,000 nor more than 160,00; providing for appointment and compensation of a secretary for the circuit court judges.

Also:

By Messrs. Pennington, Reynolds and Baker (Madison):

H. 920. To provide for official court reporters in all circuit courts in all counties in the State of Alabama having a population of not less than 100,000 nor more than 150,000 inhabitants according to the last preceding or any subsequent federal decennial census; to fix the duties and status and authority of such court reporters; and to provide for the appointment of such court reporters by each circuit judge in such counties and to provide for the compensation and salary of such court reporters.

Also:

By Mr. Jones (Monroe):

H. 934. Relating to counties having populations of not less than 22,350 nor more than 24,350; providing expense allowances for members of the governing bodies of such counties.

Also:

By Mr. Jones (Monroe):

H. 935. Relating to counties having populations of not less than 22,350 nor more than 24,350; providing additional expense allowances for members of the board of education of such counties.

Also:

By Messrs. Pierce, Goodwyn, Goldthwaite and Little:

H. 936. To alter, rearrange and extend the boundaries of the City

of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 3, Township 16N, Range 1E.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given of the intention to apply to the Legislature of Alabama for passage of a Law in substance as follows:

A BILL TO BE ENTITLED AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 3, Township 16N, Range 1E.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in the County of Montgomery, and State of Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the County of Montgomery, and included in the following described boundaries, to-wit:

Beginning at the point of intersection of the half section line running north and south through Section 10, T16N, R18E, with the north side of the Wares Ferry Road thence in an easterly direction along the north side of Wares Ferry Road to the southeast corner of the Plat of Hilltop Terrace as the same appears of record in the Office of the Judge of Probate of Montgomery County, Alabama, in Plat Book 16, at Page 176; thence north along the east boundary of said Plat of Hilltop Terrace 390 feet; thence east 230 feet; thence north 290 feet to the northeast corner of said Plat, said point being located in the south line of Section 3, T16N, R18E; thence east along the east line of said Section 3 to a point 20 feet east of the Northeast corner of Lot 18, of the Plat of Dalraida, as the same appears of record in the Office of the Judge of Probate of Montgomery County, Alabama, in Plat Book 1, at Page 61; thence west 20 feet to the northeast corner of said Lot 18, of the Plat of Dalraida; thence west along the northline of said Lot 18 to the east side of Dalraida Road; thence continuing west across Dalraida Road a distance of 50 feet, more or less, to the northeast corner of Dalraida Park Estates, Plat No. 1, as the same appears of record in the Office of the Judge of Probate of Montgomery County, Alabama, in Plat Book 11, at Page 21; thence south along the west line of Dalraida Road to the South boundary line of the Plat of Honeysuckle Heights as the same appears of record in the Office of the Judge of Probate of Montgomery County, Alabama, in Plat Book 11, at page 128; thence west along the south boundary of said Plat of Honeysuckle Heights to the half section line running north and south through Section 10, T16N, R18E; thence south along said half section line to its point of intersection with the north side of Wares Ferry Road, being the point of beginning and lying in Montgomery County, Alabama.

Section 2. That all laws or parts of laws in conflict herewith are hereby repealed.

Section 3. That this Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF MONTGOMERY

Before me M. R. Crump, a Notary Public in and for said State and County, personally appeared Guyton Parks, General Manager for "The Advertiser Company, Inc.", publishers of the Alabama Journal, a newspaper published in the City of Montgomery, County of Montgomery, and State of Alabama, who, being by me first duly sworn, deposes and says that the foregoing and attached is a true copy of a "Legal Notice" which appeared in the regular editions of the said newspaper published in said City and County of Montgomery on July 1, July 8, July 15, and July 22, 1963.

GUYTON PARKS,

Sworn to and subscribed before me, this the 22 day of July, 1963.

M. R. CRUMP,
Notary Public.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 880, 881, 884, 882, 883, 886, 887, 888, 889, 904, 907, 908, 915, 916, 919, 920, 934, 935 and 936 — to the Committee on Local Legislation

H. B. 911 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 95. Relative to John Clifford Giles.

Also:

H. J. R. 96. Relative to the illness of Honorable Joe S. Foster, Jr.

Also:

H. J. R. 98. Relative to designating the Lewis Davis Highway.

Also:

H. J. R. 99. Relative to expressing sympathy upon the death of Mr. Newman Franklin Nunnolley, Superintendent of Schools in Talladega County.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Brewer and Slate:

H. 940. To amend further Section 3 of Act No. 361, H. 878, Regular Session 1939 (Local Acts 1939, p. 248), an act fixing the compensation or salary to be paid the tax assessor of Morgan County and providing clerical assistance for his office.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF MORGAN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To amend further Section 3 of Act No. 361, H. 878, Regular Session 1939 (Local Acts 1939, p. 248), an act fixing the compensation or salary to be paid the tax assessor of Morgan County and providing clerical assistance for his office.

Be It Enacted by the Legislature of Alabama:

Section 3 of Act No. 361, H. 878, Regular Session 1939 (Local Acts 1939, p. 248), an act fixing the compensation of the tax assessor of

Morgan County and providing him clerical assistance, as amended, is amended further to read as follows:

"Section 3. The Board of Revenue and Control, or like governing body of Morgan County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the tax assessor, but the tax assessor shall select such clerks, deputies and assistants and fix their compensation, but the combined salaries or compensation of such clerks, deputies, and assistants selected by him shall not exceed eleven thousand five hundred dollars (\$11,500) per annum. The tax assessor shall have the right to discharge such clerks, deputies, and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of the clerks, deputies and assistants shall be paid in equal semi-monthly installments out of the general funds of Morgan County, upon separate warrants drawn in the same manner as other employees of Morgan County are paid. In addition to the foregoing allowance the Board of Revenue and Control, or like governing body of Morgan County, shall pay for all necessary traveling expenses for annual trips over the county as required by law, but the tax assessor shall furnish all necessary drawings, maps, registers and plats as required by law, including land and lot books provided for by sections 66 and 67 of Title 51 of the Code of Alabama of 1940, and the books, commonly known as 'Tax Abstract,' provided for by section 65 of Title 51 of the Code of Alabama of 1940, without compensation, charges, or expense to Morgan County, for the same, or the preparation of the same. The compensation of the clerks and assistants shall be paid in semi-monthly installments upon their filing with the chairman of the board written claims therefor, the correctness of which shall be verified by the oath or affirmation of the tax assessor and of the clerk or assistant making such claim. The Board of Revenue and Control of Morgan County shall have authority to raise and lower the allowance for the clerks, deputies and other assistants to the tax assessor from time to time as conditions may warrant, not to exceed however the sum of eleven thousand five hundred dollars (\$11,500) per annum."

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack W. Hoffhaus, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Owner and Publisher of the Hartselle Enquirer, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 27, July 4, July 11, and July 18, all in the year 1963.

JACK W. HOFFHAUS,

Sworn to and subscribed before me July 19, 1963.

WILMA V. NEWMAN,
Title Notary Public.
Commission expires 4-4-65.

Also:

By Messrs. Brewer and Slate:

H. 941. To amend further Section 3 of Act No. 464, H. 879,

Regular Session 1939 (Local Acts 1939, p. 278), an act fixing the compensation or salary to be paid the tax collector of Morgan County and providing him clerical assistance.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF MORGAN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To amend further Section 3 of Act No. 464, H. 879, Regular Session 1939 (Local Acts 1939, p. 278), an act fixing the compensation or salary to be paid the tax collector of Morgan County and providing him clerical assistance.

Be It Enacted by the Legislature of Alabama:

Section 3 of Act No. 464, H. 879, Regular Session 1939 (Local Acts 1939, p. 278), an act fixing the compensation or salary to be paid the tax collector of Morgan County and providing him clerical assistance, as amended, is amended further to read as follows:

"Section 3. The Board of Revenue and Control or like governing body of Morgan County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the tax collector, but the tax collector shall select such clerks, deputies and assistants and shall fix their compensation, but the combined salaries or compensation of such clerks, deputies and assistants selected by him shall not exceed eleven thousand five hundred dollars (\$11,500) per annum. The tax collector shall have the right to discharge such clerks, deputies and assistants at will as they shall serve only at his pleasure. The salaries or compensation of the clerks, deputies and assistants shall be paid in equal semi-monthly installments out of the general funds of Morgan County, upon separate warrants drawn in the same manner as other employees of Morgan County are paid. In addition to the foregoing allowance the Board of Revenue and Control, or like governing body, of Morgan County, shall pay for all necessary traveling expenses for annual trips over the county as required by law, but the tax collector shall furnish all necessary reports, registers, and lists of qualified voters as required by law, without additional charge or compensation therefor. The compensation of the clerks and assistants shall be paid in semi-monthly installments upon their filing with the chairman of the board written claims therefor, the correctness of which shall be verified by the oath or affirmation of the tax collector and of the clerk or assistant making such claim. The Board of Revenue and Control of Morgan County shall have authority to raise and lower the allowance for the clerks, deputies and other assistants to the tax collector from time to time as conditions may warrant not to exceed, however, the said sum of eleven thousand five hundred dollars (\$11,500) per annum."

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack W. Hoffhaus, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Owner and Publisher of the Hartselle Enquirer, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 27, July 4, July 11, and July 18, all in the year 1963.

JACK W. HOFFHAUS,

Sworn to and subscribed before me July 19, 1963.

WILMA V. NEWMAN,
Title Notary Public.
Commission expires 4-4-65.

Also:

By Mr. Holladay:

H. 942. Relating to St. Clair County; authorizing any bank situated within the county to open, establish, operate and maintain a branch bank, branch office, or other place of business at Ragland in said county.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

RELATING TO ST. CLAIR COUNTY; authorizing any bank situated within the county to open, establish, operate and maintain a branch bank, branch office, or other place of business at Ragland in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. When permitted by its charter and by-laws, and approved by the State Banking Department and the Federal Deposit Insurance Corporation, any bank situated in St. Clair County shall be authorized to open, establish, operate and maintain at Ragland in said county, a branch bank, branch office or other place of business for the receipts of deposits, payment of checks, and conducting a general banking business.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF ST. CLAIR

Before me, the undersigned authority in and for said County in said State, this day personally appeared E. R. Blair, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the St. Clair News-Aegis, a newspaper of general circulation published in St. Clair County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 27, July 4, July 11, and July 18, all in the year 1963.

E. R. BLAIR,

Sworn to and subscribed before me July 22nd, 1963.

ETHEL BLAIR,
Title Notary Public.

Also:

By Mr. Holladay:

H. 943. To apply in St. Clair County; regulating further the taking of fish from the Coosa River; authorizing the taking of catfish by the use of baskets, including wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

To apply in St. Clair County; regulating further the taking of fish from the Coosa River; authorizing the taking of catfish by the use of baskets, including wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken.

Be It Enacted by the Legislature of Alabama:

Section 1. Any resident of St. Clair County duly licensed as provided in this Act may take, capture, and kill catfish from that part of the Coosa River which is located in St. Clair County for his domestic use or consumption by the use of baskets, including wire mesh baskets having a mesh of one and one half inch or more; provided, that no person shall be licensed to fish with more than four such baskets.

Section 2. Any resident of St. Clair County desiring a license to fish for catfish with baskets, including wire mesh baskets, may apply to the probate judge of St. Clair County and shall pay a privilege license tax of one dollar and an issuance fee of 25 cents for each basket to be fished. Such licenses shall not be issued for more than four baskets to any one person, and no license shall be issued to any person holding a commerical fishing license. The probate judge shall issue such license on forms provided by the county governing body, and shall keep a

permanent record of all licenses issued and all taxes received. Licenses shall be issued on a calendar year basis, and all licenses issued in any year shall expire on December 31 of that year.

Section 3. One half of all revenues derived from the sale of licenses as provided in this Act shall be paid over to the director of the State Department of Conservation, to be credited to the game and fish fund, and shall be spent for law enforcement work. One half of all revenues derived from the sale of licenses as provided in this Act shall be paid into the general fund of the county. The probate judge shall pay into the general fund of the county all issuance fees collected.

Section 4. It shall be unlawful for any licensee to sell or or offer to sell fish taken, captured, or killed in a basket. Any person who violates this section shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law; in addition to such punishment, the court trying the case shall revoke the license of such person.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF ST. CLAIR

Before me, the undersigned authority in and for said County in said State, this day personally appeared E. R. Blair, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the St. Clair News-Aegis, a newspaper of general circulation published in St. Clair County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 27, July 4, July 11, and July 18, all in the year 1963.

E. R. BLAIR,

Sworn to and subscribed before me July 22nd, 1963.

ETHEL BLAIR,
Title Notary Public.

Also:

By Mr. Harper:

H. 948. To provide further for purging the lists of registered voters in Tallapoosa County, requiring and prescribing the procedure for reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative

to the reidentification of registered voters; and providing penalties for making a wilful false statement in connection with reidentification.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF TALLAPOOSA

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide further for purging the lists of registered voters in Tallapoosa County, requiring and prescribing the procedure for reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification of registered voters; and providing penalties for making a wilful false statement in connection with reidentification.

Be It Enacted by the Legislature of Alabama:

Section 1. "The board of registrars of Tallapoosa County is hereby directed to purge all lists of the qualified electors in the county to the end that the names of all persons who are deceased or non-residents of the county, or have otherwise become disqualified for voting in Tallapoosa County, shall be removed from such lists, and that the name of each qualified elector shall appear only on the list of qualified electors for the beat in which he resides.

Section 2. The board of registrars shall omit and remove from the lists of qualified electors of the county the name of any person who fails to reidentify himself, in the manner prescribed herein, before the first day of January 1966.

Section 3. Prior to the first day of January, 1966, the board of registrars of Tallapoosa County is hereby authorized, directed, and required to visit each beat in the county at least once, and more often if necessary, and remain there at least one day from nine o'clock in the morning until five o'clock in the afternoon, for the purpose of enabling qualified and registered voters residing in the beat to appear before the board and reidentify themselves. The board shall give at least ten days' notice, by advertisement in a newspaper published in the county, of the time when, and the place in the beat where, they will attend for the purpose of enabling voters to appear and reidentify themselves. Upon failure to give such notice, or to attend any appointment made by them in any beat, they shall, after like notice, fill new appointments. The board shall remain in session for thirty days. During the 30 day session the board shall visit each beat on at least one day and the remainder of the time may be divided as the board of registrars deem necessary, to enable the qualified electors of the county to appear and reidentify themselves in the manner prescribed herein.

Section 4. Each member of the board of registrars shall receive ten dollars per day, for each days attendance upon the special sessions of the

board required under the provisions of this Act; but if such special session is held on the same day a regular session is required to be held under the laws of this State, registrars shall receive only one per diem allowed for performing their regular duties, it being the intent and purpose of this Act that registrars shall be entitled to receive only one per diem allowance for one day's service. If one or more of the members of the board shall refuse, neglect, or be unable to serve, or if a vacancy or vacancies occur in the membership of the board from any cause, the Governor, State Auditor, and Commissioner of Agriculture and Industries, or a majority of them, shall forthwith make other appointments to fill such vacancies.

Section 5. The voter may reidentify himself by appearing in person before the board of registrars or by appearing before the judge of probate, or either of the clerks in the office of the judge of probate, or before the board of registrars in regular session, and answering such questions and submitting such proof under oath, as the board may require in order to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county. Provided, however, that a member of the armed forces of the United States of America or his spouse may reidentify himself in person or by United States mail on application as provided by the board of registrars. In addition, a qualified elector may reidentify himself at any primary or general election held in the county after this Act becomes effective by filling out and signing the questionnaire form prescribed in Section 9 in the presence of any election officer appointed to serve at the election. The returning officer shall return all executed questionnaire forms to the judge of probate or chairman of the board of registrars.

Section 6. The board of registrars shall meet on the first Monday in January 1966, for the purpose of purging the registration lists and the names of all persons who have failed to appear and reidentify themselves by January 1, 1966 in the manner herein prescribed shall be stricken from the lists, provided, however, that said board shall not strike the name of any person, or of the spouse of any person, known by any member of said board or made known to the said board by the written affidavit of another qualified elector, to be in active duty of any of the armed forces of the United States of America, and to be stationed, or to be living with her or his spouse, as the case may be, outside of Tallapoosa County, Alabama, during the period of time from the effective date hereof to January 1, 1966.

Section 7. Any person who shall have his name omitted or removed from the list of qualified electors in the county by failure to appear and reidentify himself as herein provided by January 1, 1966 may have his name restored to the list of qualified electors only by appearing before the board of registrars and registering in the manner provided by law.

Section 8. The court of county commissioners of Tallapoosa County is hereby authorized, directed, and required to furnish the board of registrars with the supplies, equipment, maps, printed forms, stationery and newspaper advertisements necessary for the reidentification of voters as herein provided. Provided further that the sum of one hundred dollars (\$100) be paid to each member of the board of registrars for expenses in carrying out the provisions of this Act.

Section 9. The questionnaire to reidentify a voter shall be in substantially the following form:

VOTERS REIDENTIFICATION-QUESTIONNAIRE

Tallapoosa County, Alabama

Date, 196.....

Name
First Middle Last

Legal Residence

Address
Street

City or Town

State

Date of Birth Sex Race

Place of Birth

Occupation

Name of Employer

I now vote and I am a qualified elector in precinct or Beat No., Box No., Tallapoosa County, and I have not been disqualified from voting in this county. I am not a qualified voter in any other county in the State of Alabama or in any other State in the United States.

I have resided in Precinct or Beat No. for the past three months.

Signed
Signature of Voter

Sworn to and subscribed before me this.....of....., 196.....

.....
Registrar—Judge of Probate

Section 10. Any person who willfully makes a false statement to the board of registrars, or any duly authorized person, in reidentifying himself as a qualified elector in the manner provided herein shall be guilty of perjury, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this Act are repealed.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF TALLAPOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared H. Clay Pless, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Dadeville Record, a newspaper of general circulation published in Tallapoosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 27, July 4, July 11, and July 18, all in the year 1963.

H. CLAY PLESS,

Sworn to and subscribed before me July 22, 1963.

J. KIRBY SMITH,
Title Notary Public.

Also:

By Mr. Wood:

H. 952. Relating to counties having populations of not less than 15,300 nor more than 15,400; levying a privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of cigarettes and cigars in such counties providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

Also:

By Mr. Posey:

H. 953. To amend Section 1 of Act No. 94, H. 250, Regular Session 1957 (Acts 1957, v. 1, p. 134), an act relating to the compensation of the superintendent of education of Winston County.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF WINSTON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 1 of Act No. 94, H. 250, Regular Session 1957 (Acts, 1957, v. 1, p. 134), an act relating to the compensation of the superintendent of education of Winston County.

Be It Enacted by the Legislature of Alabama:

Section 1 of Act No. 94, H. 250, Regular Session 1957, entitled, "An Act to provide further for the salary and compensation of the superintendent of education of Winston County," is hereby amended to read as follows:

"Section 1. The county superintendent of education of Winston County shall be entitled to receive such salary, not exceeding ten thousand dollars per annum, as the county board of education may prescribe. The salary of the superintendent shall be paid in the same manner as is provided by the general laws of Alabama for the payment of salaries of county superintendents of education. In addition to the salary, the county board of education may fix, approve and authorize the payment of traveling expenses and other expenses incurred by the superintendent of education in the performance of his official duties, both within and without the county."

PUBLISHER'S AFFIDAVIT

STATE OF ALABAMA
COUNTY OF WINSTON

Personally appeared before me the undersigned authority in and for said County and State, Jay Thornton, who after being duly sworn deposes and says:

My name is Jay Thornton. I am editor and publisher of The Daily Northwest Alabamian, a newspaper of general circulation published in Haleyville, Winston County, Alabama. The copy of publication hereto attached was published in said paper for Four (4) consecutive weeks, the first copy of said notice appearing in the issue of said paper published on the 18th day of June 1963, and the last copy of said publication appearing in the said paper on the 9th day of July 1963.

JAY THORNTON,

Sworn and subscribed to before me this 9th day of July 1963.

R. J. THORNTON,
Title Notary Public.

Also:

By Mr. Posey:

H. 954. To authorize, direct, and require the State Department of Revenue to collect any sales and use taxes which may be levied in the Town of Addison, Alabama, in Winston County, Alabama, under the provisions of any ordinances or resolution duly promulgated and adopted by the governing body of the Town of Addison, Alabama to prescribe the power, duties, and authority of the State Department of Revenue with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF WINSTON

NOTICE is hereby given that a bill substantially as follows will be

introduced in the legislature of Alabama and application for its passage and enactment will be made to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize, direct, and require the State Department of Revenue to collect any sales and use taxes which may be levied in the Town of Addison, Alabama, in Winston County, Alabama, under the provisions of any ordinances or resolution duly promulgated and adopted by the governing body of the Town of Addison, Alabama to prescribe the power, duties, and authority of the State Department of Revenue with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Department of Revenue is hereby authorized, directed, and required to collect any sales and use taxes which may be levied in the Town of Addison, Alabama, in Winston County, under the provisions of any municipal ordinance or resolution duly promulgated and adopted by the governing body of the Town of Addison. Such municipal sales and use taxes shall be collected by the department at the same time and along with the collection by the department of taxes levied and collected for the State of Alabama under the provisions of Articles 10 and 11, Chapter 20, Title 51 Code of Alabama (1940) as amended, and all reports now required to be made to the Commissioner of Revenue, shall on request of the Department of Revenue, be available for inspection by the governing body of the Town of Addison, Ala., or its designated agent, at reasonable times during business hours. The State Department of Revenue shall prepare and distribute such reports, forms and other information as may be necessary for the collection of such municipal sales and use taxes, and shall have all authority and duties in connection with such taxes as are now given by law to the Department of Revenue or the Commissioner of Revenue in connection with the collection of the State's sales and use taxes provided for by Articles 10 and 11 of Chapter 20, Title 51, Code of Alabama (1940) as amended. It shall be the duty of the Commissioner of Revenue to pay into the State treasury all such taxes collected, for the Town of Addison under this Act and on or before the first day of the following month, the Commissioner shall certify to the Comptroller the amount of special taxes levied and collected under the provisions of this Act for the use and benefit of the Town of Addison during the calendar month immediately preceding the making of such certificate. Whereupon it shall be the duty of the Comptroller to issue payable as follows, for the amount so certified by the Commissioner his warrant on the State Treasurer, of Revenue as having been collected for the use of the Town of Addison, Ala., and paid into the State treasury; and the amount so certified by the Commissioner of Revenue as having been collected for use of such city shall be paid to the treasurer or other custodian of funds of the Town of Addison, Alabama for collecting such municipal sales and use taxes a percentage of said taxes to be computed on the same basis as the total cost of collecting the state sales and use taxes bears to the total of said states sales and use taxes collected for each fiscal year ending September, 30th. Such charge for collecting such municipal sales and use taxes shall be deducted once each year from the taxes collected in the month of September of each year before certifying the amount of such taxes due to the town of Addison, Ala., for said month. The Department of Revenue shall have full authority to employ

such special counsel as it deems necessary from time to time to enforce collection of such municipal sales and use taxes, and otherwise to enforce the provisions of this Act, including any litigation involving this Act and; the Department of Revenue shall pay such special council such fees as it deems necessary and proper from the proceeds of the taxes collected by it for the Town of Addison under the provisions of this Act.

Section 2. The Provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This act shall become effective on the first day of the first month next following the date of its enactment.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF WINSTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jay Thornton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Daily Northwest Alabamian, a newspaper of general circulation published in Haleyville, Winston County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 24, May 31, June 7, and June 14, all in the year 1963.

/s/ JAY THORNTON,

Sworn to and subscribed before me July 22, 1963.

/s/ HAYGOOD THORNTON,
Title Notary Public.

Also:

By Mr. Rogers:

H. 932. Relating to the recording of certain maps, plats, and deeds in counties having populations of not less than 300,000 nor more than 600,000.

Also:

By Messrs. Engel, McDermott and Hogan:

H. 814. To amend further Act No. 678, H. 1364, Regular Session 1961 (Acts 1961, p. 940), an Act regulating the practice of barbering in counties having populations of not less than 300,000 nor more than 500,000.

Also:

By Messrs. Engel and McDermott:

H. 929. To amend further Act No. 489, H. 922, Regular Session 1953 (Acts 1953, v. 1, p. 616), an act creating the office of county

license inspector in all counties having populations of not less than 225,000 nor more than 400,000, in relation to the compensation of the license inspector and his chief clerk.

Also:

By Messrs. Goodwyn, Pierce, Goldthwaite and Little:

H. 939. Relating to the fifteenth judicial circuit of Alabama; regulating and prescribing the qualifications of persons engaged in the bail bond business in such circuit; repealing conflicting laws.

Also:

By Messrs. Grouby and Nettles:

H. 879. Relating to counties having populations of not less than 18,000 nor more than 19,000; authorizing county boards of education to furnish certain supplies and services heretofore furnished by the county governing bodies and relieving county governing bodies of the responsibility of furnishing such supplies and services.

Also:

By Messrs. Turnham, Callahan, Brown (Tuscaloosa) and Campbell (Tuscaloosa):

H. 947. To provide for the creation of the University of Alabama Medical Center and to prescribe its function and powers.

Also:

By Messrs. Callahan, Turnham, Pierce, Campbell (Tuscaloosa), Goodwyn, Goldthwaite, Etheredge, Slate and Drake:

H. 699. To provide for and authorize the introduction in evidence in any court in Alabama, when relevant and material, certified copies of hospital records of any hospital organized or operated under or pursuant to the laws of Alabama, including records of admission, medical, clinical, hospital, occupational, disease, injury and disability histories, X-Rays and written interpretations thereof, pictures, photographs, files, written orders, directions, findings and reports of physicians, doctors, surgeons, pathologists, radiologists, specialists, dentists, technicians and nurses, as well as employees of such hospital, forming a part of such hospital records, as to the health, physical and mental condition, state, sickness, disease, mental and physical disorders, damages, duration and character of disabilities, diagnosis, prognosis, progress, operations, incisions, injuries, wounds, cuts, lacerations, bruises, breaks, examinations, tests, transfusions, hospitalization and duration thereof, medication, medicines, treatment and care and charge sheets and the costs, expenses, fees and charges therefor and thereof, as to and of a patient in said hospital, when the custodian of such hospital records certifies and affirms in writing that the same are an exact, full, true and correct copy of such hospital records; with the proviso that all circumstances of the making of such hospital records, including lack of personal knowledge by the entrant or maker, may be otherwise shown to affect the weight of such hospital records but they shall not affect their admissibility; and to provide for the filing of said copy with the Clerk or Register of the Court having jurisdiction of the suit or proceeding, and to provide for subpoena duces tecum therefor.

Also:

By Messrs. Nettles, Young and Reynolds:

H. 859. To amend Section 172 of Title 2 of the Code of Alabama of 1940 relating to the annual permit required for the operation of a cotton gin.

Also:

By Mr. McDermott:

H. 402. To make an appropriation for the relief of Mrs. Robert W. Fobes.

Also:

By Mr. Nabors:

H. 703. Relating to elections; to provide for payment of expenses accrued in relation to the constitutional amendment election called for Tuesday, August 13, 1963.

Also:

By Messrs. Collins and Brewer:

H. 762. To amend Code of Alabama 1940, Title 16, Section 1, which relates to descent of real estate of persons dying intestate.

Also:

By Messrs. Goodwyn, Brewer, Holladay and Cates:

H. 421. To amend Act No. 396 Regular Session 1957 approved September 4, 1957, relating to the Alabama Uniform Gifts To Minors Act providing that savings and loan associations expressly come within the purview of said Act.

Also:

By Messrs. Steagall, Turnham, Cooper, Cornett, Nabors, Harper, Slate, Hannah, Hain, Thomas, Young, Faulk, Goodwyn, Bolton, Brown (Jefferson), Boston and Moore:

H. 610. To fix the compensation of Circuit Solicitors Payable from the State Treasury.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 940, 941, 942, 943, 948, 952, 953, 954, 932, 814, 929, 939 and 879 — to the Committee on Local Legislation

H. B. 947 — to the Committee on Education

H. B.'s 699 and 762 — to the Committee on Judiciary

H. B. 859 — to the Committee on Agriculture

H. B.'s 402, 703 and 610 — to the Committee on Finance and Taxation

H. B. 421 — to the Committee on Banking

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Moore and Brewer:

H. 541. To raise revenue; imposing a privilege or license tax on persons, firms, and corporations engaged in the business of performing certain contracts; fixing the rate of the tax and providing for collection, enforcement, and distribution thereof.

Also:

By Messrs. Owens, Burns and Nabors:

H. 481. To make an appropriation from the general fund in the state treasury to the use of the state department of conservation for the development of Noccalula Falls Park at Gadsden, Etowah County.

Also:

By Mr. Crawford:

H. 152. To amend Section 744 of Title 37 of the Code of Alabama (1940), as amended by Act No. 355, H. 510, approved August 15, 1947, which relates to the maximum amount of privilege or license tax which the several municipalities within the State may annually assess and collect for the privilege of operating telephone exchanges and long distance telephone lines within the limits of such municipalities.

Also:

By Mr. Crawford:

H. 157. To propose an amendment to the Constitution relative to the method of adopting amendments to the Constitution.

Also:

By Mr. Crawford:

H. 316. To amend Code of Alabama 1940, Title 37, Section 781, which relates to boards of adjustment of incorporated cities and towns.

Also:

By Mr. Fite:

H. 799. Relating to public health; to further amend Section 9 of Title 22, Code of Alabama 1940 (Title 22, Section 9, Code of Alabama,

Recompiled 1958); as last amended by Act No. 357, Acts 1957, approved August 23, 1957.

Also:

By Messrs. Goodwyn, Perry, Engel, Fite and Avery:

H. 632. For the relief of Eddie Lee Bennett; making an appropriation of highway department funds to compensate him for personal injuries suffered by him while he was engaged in the performance of his regularly assigned duties as a convict leased to the State Highway Department by the State Board of Corrections.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 541, 481 and 632 — to the Committee on Finance and Taxation

H. B.'s 152, 157 and 316 — to the Committee on Municipalities and Municipal Organizations

H. B. 799 — to the Committee on Public Health

(The above-numbered Bill, H. B. 157, was read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and order same sent forthwith to the Senate without engrossment:

By Messrs. Nabors, Etheredge, Owens, Burns, Hannah, Boston, Dominick, Pennington, Turner (Crenshaw), McDermott, Young, Avery, Powell, Snell, Fite, Cornett, Albea and Bolton:

H. 33. Proposing an amendment to the Constitution of Alabama to authorize certain constitutional officers to serve an additional successive term in the office to which elected.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time at length as required by the Constitution and referred to appropriate Standing Committee, as follows:

H. B. 33 — to the Committee on Constitution and Constitutional Revision and Amendments

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Turnham, Fite, Thomas, Turner (Crenshaw), Cooper, Cantrell, Crawford, Young, Hannah, Davis, Camp, Harper, Avery, Carr, Burnham, Paulk, Salter and Powell:

H. 785. To appropriate \$300,000 annually or as much thereof as may be necessary from the Alabama Special Educational Trust Fund to the State Board of Education as a part of the Minimum Program Fund, in addition to all other appropriations in the Minimum Program Fund, for the education and training of exceptional children including the administration, maintenance, and operation of classrooms, classes, and teachers for such classes in accordance with Act No. 67, approved June 27, 1963.

Also:

By Messrs. Salter, Edwards (Escambia), and Jones (Monroe):

H. 955. To authorize and create an additional judge of the Twenty-first Judicial Circuit of Alabama and to provide for his election, jurisdiction, powers, authority and qualifications; to render him liable to all the pains and penalties of the other circuit judges of the state; to provide for the designation of each of the two offices of circuit judge of said circuit by number and to provide for the salary of said judge.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 785 and 955 — to the Committee on Finance and Taxation

REPORTS OF COMMITTEES

Mr. Dumas, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Wilson (With Amendment):

S. 352. To provide for the appointment of counsel for indigent defendants at the expense of the State in certain noncapital criminal cases and in certain other cases involving the life and liberty of those charged or convicted of crimes, on trial and on appeal; to make an appropriation from the General Fund for carrying out the purposes of this Act and to make expenditures therefrom subject to the approval of the Governor and the condition of the General Fund.

By Mr. Wilson (With Amendment):

S. 351. To provide for the furnishing to indigent convicted defendants in criminal cases and in certain other related proceedings involving life, liberty or property of those convicted of crime of a record and transcript of evidence for appeal at the expense of the State; to state the purposes of this act; to define the cases to which this act is applicable; to prescribe the manner and time for indigents to apply for transcripts on appeal; to prescribe the manner of proceeding and disposition by the trial court of petition for such transcripts on appeal; to provide for conditions under which an abridged record may be ordered; to provide for the trial court to order all or a part of the cost of the transcript on appeal, including court reporters' fees and clerks' fees to be paid out of the general fund of the State treasury, and to require the appellant to pay part of the cost if he is able; to make special provisions for appeals now pending, or where the time for appeal has not expired; to provide for a review of a denial of a petition by the trial court; to provide for a judgment to be entered against an unsuccessful appellant to pay the fees of the clerk and court reporter paid by the State, and that such fees shall be paid into the general fund of the State; to provide further for an additional sentence for hard labor for the county or imprisonment in the penitentiary at a certain rate if said payment is not made; to authorize the Supreme Court with the advice and consultation of the Court of Appeals to make rules to accomplish the purposes of this act, and to also so authorize circuit courts and other courts having jurisdiction hereunder; to appropriate annually out of the general fund of the State treasury an amount sufficient to pay said court reporters and clerks and to carry out the provisions of this act, said appropriation being subject before disbursement to the approval of the Governor and contingent upon the opinion of the Governor of the condition of the State treasury; to repeal Act No. 62, Acts of Alabama 1961, page 1930, approved September 15, 1961, entitled, "An Act to provide for the furnishing of transcripts of evidence for appeals in criminal cases where defendant, appellant is indigent; . . .", etc., with certain exceptions; and to provide for the effective date of this act.

Mr. Dumas, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Bailes et al:

H. 162. To provide for the creation of apartment ownership, and to prescribe regulations therefor.

By Mr. Goodwyn et al:

H. 333. An Act providing for the recovery of damages from the parents of minors under eighteen years of age for willful or malicious destruction of property; limiting the amount to Five Hundred and No/100 Dollars (\$500.00), but not limiting the liability of parents as the same may otherwise exist.

By Messrs. Pierce, Goodwyn, Little and Goldthwaite:

H. 420. To amend Section 501 of Title 51 of the Code of Alabama (1940) which provides for licenses for credit reporting companies.

By Mr. Hawkins:

S. 362. Relating to civil remedies and procedures; limiting the issues for determination on new trial granted on grounds relating only to the amount of damages assessed or recovered.

By Messrs. Robison (Montgomery) and Adams:

S. 374. To amend Code of Alabama 1940, Title 46, Section 6, in relation to the authority and procedure for the State Board of Public Accountancy to revoke or suspend certificates.

By Messrs. Lolley, Wilson, Lowe, Brannan, Taylor, Montgomery, Adams, Metcalf, Hammond, Hornsby, McDow, McCain, Nichols, Clark, Carter, Mathews, Smith, Oden, Evans, Eddins, Reynolds, Horton, Allen, Cooper and James.

S. 375. To make it a felony for a father to fail to comply with terms of a court order requiring him to support his child or children.

Mr. Taylor, Vice-Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Carter:

S. 6. Proposing an amendment to the Constitution of Alabama authorizing the legislature to enact local or special laws applicable to Marshall County providing for juries composed of less than twelve members for trials of certain cases.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Metcalf:

S. 87. To propose an amendment to the Constitution relative to the method of adopting amendment to the Constitution.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. Lolley, Cooper, McDow, James, Lowe, Wilson, Brannan, Clark, Oden, Evans, Eddins, Hammond, Montgomery, Givhan and Bentley:

S. 111. Proposing an amendment to the Constitution of Alabama to authorize the governor to serve an additional successive term.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Metcalf:

S. 167. Proposing an amendment to the Constitution of Alabama to abolish the offices of the state auditor.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Metcalf:

S. 171. To abolish the office of state auditor, and to transfer the powers, duties, and authority of the state auditor to the chief examiner of the department of examiners of public accounts; and to provide for the transfer of all jurisdiction, functions, funds, books, records, supplies, equipment, and other property and effects of the state auditor to the department of examiners of public accounts.

Mr. Taylor, Vice-Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said Committee, in Session, had acted on the following Resolution and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Brewer and Fite:

H. J. R. 93. Proposing an amendment to the Constitution of Alabama.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That the following amendment to the Constitution of Alabama be submitted for approval of the qualified electors:

In Article 18, Section 284, as amended by the 24th article of amendment, strike out the last sentence thereof, to-wit, "Representation in the legislature shall be based upon population, and such basis of representation shall not be changed by constitutional amendments."

RESOLVED FURTHER, That an election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

RESOLVED FURTHER, That notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

The above Resolution was read a second time at length as required by the Constitution.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Fite and Brewer:

H. 921. To make an additional appropriation for payment of expenses of the Legislature.

By Mr. Turner (Crenshaw):

H. 734. To amend Section 1 of Act No. 912, Regular Session 1961, H. 1292, approved September 8, 1961, entitled "An Act To Amend Section

348 Title 51, Code of Alabama 1940, and to repeal all laws, and parts of laws, General or Special, In Conflict Herewith," which Act and this Amendment thereto relate to the imposition of a franchise tax on foreign corporations doing business in the State based on the actual amount of its capital employed in the State, defining capital, providing for a method of determining the actual amount of its capital so employed and establishing such determination as a rebuttable presumption as to the actual amount of its capital so employed, providing for exclusions and deductions from the amount of capital so determined and repealing all laws and parts of laws in conflict herewith.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Eddins (With Amendment):

S. 336. To create the State Sovereignty Commission in the Executive Branch of the Government of the State of Alabama, to provide for the membership thereof; to describe its duties, authority and powers, to provide the method for the selection of its members, their status and term of service; and to repeal all laws or parts of laws in conflict herewith.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Thomas (With Substitute):

H. 709. To make an appropriation from the state treasury to the use of the board of education of Barbour County for completing the construction and equipment of a new public school building at Clayton.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report with amendment, and they were read a second time and placed on the calendar, to-wit:

By Mr. Brewer et al (With Amendment):

H. 27. To amend Act No. 298, S. 137, Regular Session 1947 (General Acts 1947, p. 149), which provides for licensing manufacturers, distillers, producers, distributors, and persons selling, attempting to sell, or acting as brokers for persons selling alcoholic liquors to the Alabama alcoholic beverage control board.

By Mr. Brewer et al (With Amendment):

H. 28. To prohibit the employment or use of resident sales agents by distillers, vintners, or distributors of spiritous or vinous liquors for the purpose of promoting the public sale, consumption, or use of such liquors in Alabama, and to prescribe penalties.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the

following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Turner (Crenshaw):

H. 673. Relating to the public revenue; further defining the terms "wholesale sale" or "sale at wholesale" used in administering the state sales and use tax statutes; repealing Section 481 of Title 51, Code of Alabama, 1940, as amended by Act No. 339, H. 440, approved July 1, 1943, General Acts of Alabama, 1943, pp. 319-20.

By Messrs. Adams and Metcalf:

S. 367. To make an appropriation to the state board of education for certain capital outlays.

By Messrs. Nichols and Mathews:

S. 151. To make an appropriation to the United Daughters of the Confederacy for the purpose of erecting a monument to the passing of the Army and Navy of the Confederate States of America at Gettysburg, Pennsylvania.

By Mr. Nichols:

S. 333. To make additional appropriation to the Department of Public Safety.

By Mr. Nichols:

S. 332. To make an appropriation to the Department of Public Safety for Capital Outlay purposes.

By Mr. Davis:

H. 436. To make an appropriation from the state treasury to the use of the board of education of Bibb County for construction and equipment of a new high school as West Blocton.

By Messrs. Meade, Albea, Burnham and Merrill:

H. 222. To provide for the registration and licensing as "antique vehicles" of certain motor vehicles; prescribing the fee therefor; providing for the collection and disbursement thereof; exempting vehicles licensed under this Act from other motor vehicle licenses; and placing certain duties relative to the registration and licensing of such vehicles on the State Department of Revenue and the Commissioner thereof and on the several sheriffs of the State.

By Mr. Givhan:

S. 350. Relating to corporations; regulating the taxation of domestic corporations engaged in the business of making agricultural or live-stock loans.

By Mr. Rogers et al:

H. 388. To amend Sections 647 and 649 of Title 51, Code of Alabama 1940, as last amended by Act No. 948, 1961 Acts of Alabama, page 1523, relating to the excise tax on gasoline, so as to provide that one-half of

one per cent of the state excise gasoline taxes collected in this State, with certain exceptions, shall be deposited to the Water Safety and Seafood Funds, and to provide for the expenditure of such funds deposited; and to repeal all laws or parts of laws in conflict with the provisions of this Act.

By Messrs. Allen, Tyson, Hammond, Mathews, Metcalf and Oden:

S. 287. Proposing an amendment to the Constitution of Alabama providing allowances for former governors.

The above Bill was read a second time at length as required by the Constitution.

By Mr. McDow:

S. 295. To make appropriations to the state department of conservation, state parks division, for improvement and upkeep of Confederate Memorial Cemetery at Mountain Creek.

By Mr. McDow:

S. 296. To make an appropriation to the Chilton County High School Marching Band for the purpose of defraying expenses incurred by their participation in the festivities of the 1963 National Convention of the American Legion.

By Mr. Reynolds:

S. 370. To make an additional appropriation to the state superintendent of education for the purpose of contracting with Tuskegee Institute for undergraduate and graduate instruction in engineering.

By Messrs. Tyson, Hawkins, Evans, Adams, Cooper, Eddins, Horton, Gilchrist, Allen, Metcalf, Brannan, McDow and Hornsby:

S. 373. To provide a curator and publicity director for Fort Morgan, and for payment of his compensation and expenses.

By Mr. Goodwyn et al:

H. 261. Relating to the compensation of circuit judges in Alabama.

By Mr. Salter:

H. 224. To make an appropriation of highway department funds for the relief of W. T. Chapman.

By Mr. Salter:

H. 226. To make an appropriation of highway department funds for the relief of the estate of R. L. Stinson.

By Mr. Salter:

H. 227. To make an appropriation of highway department funds for the relief of Kate H. Cardwell.

Mr. Eddins, Chairman of the Standing Committee on Corporations, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Engel, McDermott and Hogan:

H. 390. To provide for advance payment of dues by State-Chartered Member Credit Unions to the State Organization, Alabama Credit Union League, and the amortization over a period up to and including fifteen years of the credit extended to the member credit unions in the form of advance dues Certificates issued by the Alabama Credit Union League.

Mr. Taylor, Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Roberts:

S. 291. Relating to municipalities having a mayor-council form of government; further regulating the election, compensation, powers and duties of the mayor in all cities having populations of not less than 70,000 nor more than 120,000 according to the 1960 or any subsequent federal decennial census, and repealing conflicting laws.

By Mr. Roberts:

S. 328. To amend Section 1 of Act No. 493 adopted at the 1955 Regular Session of the Legislature of Alabama as the same has been previously amended, relating to municipal public building authorities, so as to enlarge the definition "project" contained in that section to include an auditorium.

Mr. Clark, Chairman of the Standing Committee on Privileges and Elections, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Shelton:

S. 9. To repeal Act No. 154, S. 224, Special Session 1961, entitled "An Act Relating to elections; to regulate further elections held for the purpose of nominating candidates for and election of representatives in Congress" (Acts 1961, v. 2, p. 2101).

Mr. Clark, Chairman of the Standing Committee on Privileges and Elections, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Tyson, Metcalf, Roberts, Hammond, Allen and Carter (With Amendment):

S. 269. To provide for and require reidentification of the registered electors of all counties in Alabama which have not conducted a reidentification of voters since January 1, 1953; imposing duties upon boards of registrars and other county officers, and upon the electors whose names appear on the lists of qualified voters.

Mr. James, Chairman of the Standing Committee on Mining and Manufacturing, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Carr et al:

H. 130. To provide further for water pollution control, establishing a new water improvement commission and prescribing its jurisdiction,

powers and duties, providing for enforcement of the Act and rules, regulations, and orders of the commissions, prescribing penalties and repealing Act No. 523, Regular Session 1947 (Gen. Act 1947, p. 379) as amended.

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Baker (DeKalb) (With Notice and Proof) (With Substitute):

H. 740. To abolish the DeKalb County Hospital Association and Hospital Board now existing as two hospital boards, or Associations, DeKalb County, Alabama, and to establish in lieu thereof in DeKalb County, Alabama, a DeKalb County Hospital Commission to be known as the DEKALB COUNTY HOSPITAL COMMISSION. To provide for the election of the members of said Commission to fix their term of office, and to define the powers and duties of such Commission, and to fix the compensation of the members thereof, and to provide for a referendum on the adoption of this Act, and the machinery for voting on said Act in said referendum.

UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate proceeded to consideration of the unfinished business for today, which was the Bill:

S. 8. To regulate the lending of money repayable in installments, whether secured or unsecured; to provide the maximum rate of interest and other charges on such transactions; to regulate such transactions; to prescribe penalties for violation of this Act; to define the phrase "installment loan" for the purposes of this Act; to provide for a short title therefor so that the same may be cited as the "Installment Loan Act;" to provide for the repeal of inconsistent laws heretofore enacted; to provide exemptions from the provisions of this Act; to provide when this Act shall take effect, and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

as amended.

The question was on the substitute offered by Mr. Hawkins for the Bill, S. B. 8, as amended, and pending amendment, which said substitute is set out at length in the Journal of the Senate for the Twenty-sixth Legislative Day.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Fite, Hester, Brewer and Engel:

H. 51. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 51 — to the Committee on Finance and Taxation

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation DR. MAX V. McLAUGHLIN, Mobile, Alabama as a member of the State Board of Corrections, for the term expiring July 17, 1973.

Respectfully,

GEORGE C. WALLACE,
Governor

GOVERNOR'S MESSAGE

The foregoing message from His Excellency, The Governor, relative to the appointment of a member of The State Board of Corrections, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 266. Relating to Blount County; abolishing the board of finance and control created by Act No. 334, H. 954, approved September 2, 1955, and restoring and reestablishing the court of county commissioners of Blount County in lieu thereof, providing for the organization, powers, jurisdiction, and duties of the court of county commissioners; and providing for the qualifications, election, term, powers, duties, authority, and compensation of its members.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Fite, Hester, Bevill, Brewer and Engel:

H. 52. To provide for cooperation by the State of Alabama with

other Southern States in nuclear development of the South, and making an appropriation for that propose.

Also:

By Messrs. Fite, Hester, Bevill, Brewer and Engel:

H. 53. To make an appropriation for the support of the Council of State Governments.

Also:

By Messrs. Fite, Hester, Bevill, Brewer and Engel:

H. 54. To make an appropriation for the support of the Commission on Mental Illness of the Southern Regional Education Board.

Also:

By Messrs. Fite, Hester, Bevill, Brewer and Engel:

H. 55. To make an appropriation for each of the fiscal years ending September 30, 1964 and September 30, 1965 to the Armory Commission of Alabama to be used in providing necessary armory facilities for the Alabama National Guard, including the matching of federal funds made available for such purposes.

Also:

By Messrs. Fite, Hester, Bevill, Brewer and Engel:

H. 56. To make appropriations to the Department of Conservation for capital improvements.

Also:

By Messrs. Turner (Crenshaw), Fite and Thomas:

H. 348. To make an appropriation to the United Daughters of the Confederacy for the purpose of erecting a monument to the passing of the Army and Navy of the Confederate States of America at Gettysburg, Pennsylvania.

Also:

By Mr. Carr:

H. 66. To appropriate \$19,000 to the Department of Conservation for building construction and other improvements at Little Mountain State Park.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 52, 53, 54, 55, 56, 348 and 66 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Campbell (Jackson):

H. 905. Relating to Jackson County; providing for establishment of branch banks or branch offices of banks in Scottsboro.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE is hereby given that a bill substantially as follows will be introduced in The Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Jackson County; providing for establishment of branch banks or branch offices of banks in Scottsboro.

Be It Enacted by the Legislature of Alabama:

.... Section 1. After the effective date of this Act, any established bank which is authorized to do a banking business in and is situated in Scottsboro, Alabama, may, with the written consent of the appropriate authority having jurisdiction of its banking operations, open, establish and operate a branch bank, branch office, or place for doing a banking business anywhere in the City of Scottsboro, any other provision of law to the contrary notwithstanding.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF JACKSON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Fred J. Buchheit, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of The Sentinel-Age, a newspaper of general circulation published in Jackson County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 6, June 13, June 20, and June 27, all in the year 1963.

FRED J. BUCHHEIT,

Sworn to and subscribed before me July 5, 1963.

EVELYN TUBBS,
Title Notary Public.

Also:

By Mr. Grouby:

H. 957. To provide for the compensation of jurors in Autauga County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF AUTAUGA

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide for the compensation of jurors in Autauga County.

Be It Enacted by the Legislature of Alabama:

Section 1. Regular jurors, grand and petit, serving in Autauga County are entitled to ten dollars for each day's services, five cents for each mile traveled in going to and returning from courts, and ferriage and toll, to be proved by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate, stating therein the number of days he has served, the number of miles he has traveled, the amount of ferriage and toll he has paid, and the amount of compensation to which he is entitled. The certificate shall be receivable in payment of county taxes, and other county dues, and payable out of the county treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF AUTAUGA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mrs. H. M. Doster, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was publisher of The Prattville Progress, a newspaper of general circulation published in Autauga County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 4, July 11, July 18, and July 25, all in the year 1963.

MRS. H. M. DOSTER.

Sworn to and subscribed before me 26th day of July, 1963.

THERON McDOWELL, JR.,
Title N. P. State At Large.

Also:

By Mr. Grouby:

H. 958. Relating to Autauga County; requiring the county to pay the premiums on the official bonds of all county officers who hold office by election.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF AUTAUGA

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Autauga County; requiring the county to pay the premiums on the official bonds of all county officers who hold office by election.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissions, board of revenue or other like governing body of Autauga County authorized and directed to provide for payment from the county treasury of all premiums on the official bonds of all county officers, including the corner, who hold office by election.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF AUTAUGA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mrs. H. M. Doster, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was publisher of The Prattville Progress, a newspaper of general circulation published in Autauga County, Alabama, and that

the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 4, July 11, July 18, and July 25, all in the year 1963.

MRS. H. M. DOSTER,

Sworn to and subscribed before me 26th day of July, 1963.

THERON McDOWELL, JR.,
Title N. P. State At Large.

Also:

By Mr. Pennington:

H. 970. Relating to counties having populations of not less than 110,000 nor more than 160,000; creating an educational survey committee to study, evaluate and make recommendations to the boards of education of such counties for improvements in the public school systems of the county; and making appropriations.

Also:

By Mr. Pennington:

H. 971. Authorizing any municipality having a population of not less than seventy thousand nor more than one hundred thirty thousand according to the most recent federal decennial census to create a planning commission having certain powers, duties, and regulations.

Also:

By Mr. Pennington:

H. 972. Relating to counties having populations of not less than 115,000 nor more than 160,000; further regulating the sale of alcoholic beverages in such counties and certain municipalities therein.

Also:

By Messrs. Brewer and Slate:

H. 977. To alter and rearrange the boundaries of the City of Decatur in Morgan County, so as to exclude certain territory from the corporate limits of the city.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE is hereby given that at the present session or any future session of the Legislature of Alabama a Bill substantially as follows will be introduced and application for its enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter and rearrange the boundaries of the City of Decatur in Morgan County, so as to exclude certain territory from the corporate limits of the city.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the City of Decatur in Morgan County are hereby altered and rearranged so that the following described territory shall be excluded from the area embraced within the corporate limits of the city, and shall no longer form a part of the city, to-wit:

N½ of SW¼ of NE¼ of Section 10, Township 6, Range 5 West, in Morgan County, Alabama, containing 20 acres, more or less.

And

That part of the SE¼ of the NE¼ of Section 10, Township 6 South, Range 5 West, described as beginning at the north east corner of Section 10 Township 6 South, Range 5 West, and running south 3 degrees east (mag) 1,328 feet to a point on the centerline of a county road; thence running south 87 degrees 00 minutes west (mag) 1,320 feet to a point; thence running south 3 degrees 00 minutes east (mag) 462 feet to the true point of beginning; thence continuing south 3 degrees 00 minutes east (mag) 198 feet to a point, thence running south 77 degrees 40 minutes east (mag) 250 feet to a point on the centerline of a county road; thence running north 28 degrees 00 minutes east (mag) along the centerline of said road; a distance of 197.7 feet to a point; thence running north 77 degrees 40 minutes west (mag) 355.75 feet to the true point of beginning, containing 1.33 acres.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared B. C. Shelton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of The Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 25, July 2, July 9, and July 16, all in the year 1963.

B. C. SHELTON,

Sworn to and subscribed before me July 18th, 1963.

R. H. JERVIS,
Title Notary Public.

Also:

By Messrs. Brewer and Slate:

H. 979. To amend Section 7, as heretofore amended, of an Act

entitled "An Act to create the Municipal Utilities Board of Decatur; to provide for its membership; to appoint the members to compose the original Board; to provide the qualifications of members of the Board; to provide the oath of office of members of the Board; to provide the term of office and method of election of members of the Board; to provide the method of impeaching and removing from office members of the Board; to provide the method of filling vacancies in the Board; to provide for the compensation of the members of the Board; to provide for the organization of the Board; to provide for the meetings of the Board; to provide for copies of the records of the Board to be certified by the Secretary to be competent evidence in all courts; to provide the authority and duties of the said Board; to provide for the management and control of the Municipal Electric Distribution System of the City of Decatur by said Board; to provide for the employment by the Board of a manager, clerks, stenographers, attorneys, linemen, repairmen, and any other employees found necessary to be employed by said Board; to provide for official bonds of officers and employees of the Board handling money; to provide for the collection, deposit and distribution of funds received from the operation of said Electric Distribution System; to provide for bond of depository of funds of the Board; to provide method of withdrawal of funds of the Board and signing of warrants for the payment of claims; to provide that in any expenditure for any new construction, additions, or replacement to the electric plant, where the amount to be expended is more than \$1,000, the expenditure must be approved by the City Council of the City of Decatur; to provide for an annual audit and a semi-annual publication of the financial condition of the system; to provide that said Board shall have the control, management, and operation of any water, gas or other utilities if same should be in the future acquired by the City of Decatur; to provide for the management and operation of such other utilities, and to provide for reports of the Board of the City Council," adopted by the Legislature of 1939, and approved on March 3rd, 1939.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE is hereby given that at the present session or any future session of the Legislature of Alabama a Bill substantially as follows will be introduced and application for its enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 7, as heretofore amended, of an act entitled "An Act to create the Municipal Utilities Board of Decatur; to provide for its membership; to appoint the members to compose the original Board; to provide the qualifications of members of the Board; to provide the oath of office of members of the Board; to provide the term of office and method of election of members of the Board; to provide the method of impeaching and removing from office members of the Board; to provide the method of filling vacancies in the Board; to provide for the compensation of the members of the Board; to provide for the organization of the Board; to provide for the meetings of the Board; to provide for copies of the records of the Board to be certified by the Secretary to be competent evidence in all courts; to provide the authority and duties of the said Board; to provide for the management and control of the Municipal Electric Distribution System of the City of Decatur by said Board; to provide for the employment by the Board of a manager,

clerk stenographers, attorneys, linemen, repairmen, and any other employees found necessary to be employed by said Board; to provide for official bonds of officers and employees of the board handling money; to provide for the collection, deposit and distribution of funds received from the operation of said Electric Distribution System; to provide for bond of depository of funds of the Board; to provide method of withdrawal of funds of the Board and signing of warrants for the payment of claims; to provide that in any expenditure for any new construction, additions, or replacements to the electric plant, where the amount to be expended is more than \$1,000, the expenditure must be approved by the City Council of the City of Decatur; to provide for an annual audit and a semi-annual publication of the financial condition of the system; to provide that said Board shall have the control, management, and operation of any water, gas or other utilities if same should be in the future acquired by the City of Decatur; to provide for the management and operation of such other utilities, and to provide for reports of the Board to the City Council," adopted by The Legislature of 1939, and approved on March 3rd. 1939.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 7, as heretofore amended, of an Act entitled "An Act To create the Municipal Utilities Board of Decatur; to provide for its membership; to appoint the members to compose the original Board; to provide the qualifications of members of the Board; to provide the oath of office of members of the Board; to provide the term of office and method of election of members of the Board; to provide the method of impeaching and removing from office members of the Board; to provide the method of filling vacancies in the Board; to provide for the compensation of the members of the Board; to provide for the organization of the Board; to provide for the meetings of the Board; to provide for copies of the records of the Board to be certified by the Secretary to be competent evidence in all Courts; to provide the authority and duties of the said Board; to provide for the management and control of the Municipal Electric Distribution System of the City of Decatur by said Board; to provide for the employment by the Board of a manager, clerks, stenographers, attorneys, linemen, repairmen, and any other employees found necessary to be employed by said Board; to provide for official bonds of officers and employees of the Board handling money; to provide for the collection, deposit and distribution of funds received from the operation of said Electric Distribution System; to provide for bond of depository of funds of the Board; to provide method of withdrawal of funds of the Board and signing of warrants for the payment of claims; to provide that in any expenditure for any new construction, additions, or replacements to the electric plant, where the amount to be expended is more than \$1,000, the expenditure must be approved by the City Council of the City of Decatur; to provide for an annual audit and a semi-annual publication of the financial condition of the system; to provide that said Board shall have the control, management, and operation of any water, gas or other utilities if same should in the future be acquired by the City of Decatur; to provide for the management and operation of such other utilities, and to provide for reports of the Board to the City Council," adopted by the Legislature of Alabama of 1939 and approved on March 3rd, 1939, be and the same is amended so as to read as follows:

"Section 7. Compensation of the members of the Board — Each member of the Board shall be paid at the rate of \$100.00 per month, and the Board shall have the authority to fix such additional compensation as it may from time to time determine for the member of the Board who acts as Secretary of the Board, to compensate him for his services as Secretary. The compensation for the members of the Board and the

additional compensation to the Secretary shall be paid in monthly installments from the money received from the operation of the utilities under the control of the Board in such proportions as the Board may from time to time fix and determine.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared B. C. Shelton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of The Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 25, July 2, July 9, and July 16, all in the year 1963.

B. C. SHELTON,

Sworn to and subscribed before me July 18th, 1963.

R. H. JERVIS,
Title Notary Public

Also:

By Mr. Sullivan:

H. 981. To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated unland birds in all counties having populations of not less than 21,850 nor more than 21,950 according to the 1960 or any subsequent federal decennial census; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

Also:

By Mr. Holladay:

H. 982. To provide for collection and enforcement by the state department of revenue of sales and use taxes levied or assessed by the town of Ragland, St. Clair County.

With notice and proof thereto attached and herewith exhibited as follows.

A BILL TO BE ENTITLED AN ACT

To provide for collection and enforcement by the state department of revenue of sales and use taxes levied or assessed by the town of Ragland, St. Clair County.

Be It Enacted by the Legislature of Alabama:

Section 1. The State department of revenue shall collect any sales and use taxes levied or assessed by the town of Ragland, St. Clair County, under the provisions of a municipal ordinance when the levy is identical to the state levy except for rate of tax, and subject to all definitions, exceptions, exemptions, proceedings, requirements, rules regulations, Provisions, penalties, fines, punishments and deductions as are applicable to the state sales and use taxes levied by Act No. 100, H. 94, Second Special Session 1959, and Article 11, Chapter 20, of Title 51, Code of Alabama 1940, and all acts amendatory thereof or supplementary thereto, except where inapplicable or where herein otherwise provided, including provisions for enforcement & collection of the taxes, if the ordinance is duly promulgated and adopted by the governing body of the municipality and a certified copy of the ordinance is filed with the state department of revenue.

Section 2. Such municipal sales and use taxes shall be collected by the state department of revenue at the same time and along with the collection by the department of taxes levied and collected for the state under the provisions of said Act No. 100, H. 94, Second Special Session 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as amended; and all reports required to be made to the commissioner of revenue hereunder shall, on request made to the department of revenue, be made available for inspection by the governing body of the municipality levying the tax, or its designated agent, at reasonable times during business hours.

Section 3. The department of revenue shall prepare and distribute such reports, blank forms, and other information as may be necessary to provide for collection of such municipal taxes, and shall have all the authority and duties hereunder as it has in connection with the collection of the state sales and use taxes provided for by said Act No. 100 and said Article 11 of Chapter 20, Title 51, Code 1940, as amended and supplemented.

Section 4. It shall be the duty of the commissioner of revenue to pay into the state treasury all municipal taxes collected under this Act, and on or before the first day of the following month, the commissioner shall certify to the comptroller the amount of special taxes collected under the provisions of this Act for the use and benefit of the municipality during the calendar month immediately preceding the making of such certificate. The amount certified by the commissioner of revenue as having been collected for the use of the municipality, less collection charges deducted, shall be paid to the treasurer or other custodian of funds of the municipality levying the tax. The state department of revenue shall charge the municipality for collecting municipal sales and use taxes the cost to the department of making such collections, provided such charge shall not exceed ten percent of the amount collected. The comptroller shall once each month draw his warrant on the funds collected under this Act payable to the department of revenue for the amount of such charges, as determined by the commissioner of revenue.

Section 5. The commissioner of revenue may employ special counsel when necessary to enforce collection of such municipal sales and use taxes, and otherwise to enforce the provisions of the ordinances levying such taxes, including any litigation required, and the department of revenue may pay special counsel such fees as the commissioner considers reasonable and proper from the proceeds of the taxes payable to such municipality under the provisions of this Act.

Section 6. Any amendment of any municipal ordinance heretofore adopted levying a tax required to be collected hereunder shall not be effective until the first day of the month next following the expiration of 30 days from the date of the adoption of such amendment. The department of revenue shall not be required to make any collection of municipal taxes, or otherwise perform any duties as provided for herein until a certified copy of the ordinance and amendments thereto has been on file with the department of revenue for at least 30 days.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective October 1, 1963 upon its passage and approval by the Governor or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF ST. CLAIR

Before me, the undersigned authority in and for said County in said State, this day personally appeared E. R. Blair, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the St. Clair News-Aegis, a newspaper of general circulation published in St. Clair County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 27, July 4, July 11, and July 18, all in the year 1963.

E. R. BLAIR,

Sworn to and subscribed before me July 22nd, 1963.

ETHEL BLAIR,
Title Notary Public.

Also:

By Mr. Young:

H. 987. Prescribing sheriffs' allowances for transporting juvenile delinquents to places of confinement.

By Messrs. Locke, Rast, Perry, Meeks, Bowers, Gilmore, Bethea (M), Bethea (B), Collins, Hawkins, Morrow and Bailes:

H. 967. For the relief of Brenton Clay (B. C.) Clark; provided that the City of Birmingham and the officers thereof be authorized and directed to pay Three Hundred Fifty Dollars (\$350.00) damages sustained in an automobile accident on December 13, 1962, with a vehicle owned by the City of Birmingham and operated by an employee thereof.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given of intention to apply at the present regular session of the Legislature of Alabama for introduction and passage of a Bill the substance of which as distinguished from details, is and will be the substance as distinguished from detail of the following:

LOCAL BILL WITH NOTICE AND PROOF

A BILL
TO BE ENTITLED
AN ACT

For the relief of Brenton Clay (B. C.) Clark; provided that the City of Birmingham and the officers thereof be authorized and directed to pay Three Hundred Fifty Dollars (\$350.00) damages sustained in an automobile accident on December 13, 1962, with a vehicle owned by the City of Birmingham and operated by an employee thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The City of Birmingham and the duly elected officers thereof are hereby authorized and directed to pay by voucher to Brenton Clay (B. C.) Clark the sum of Three Hundred Fifty Dollars (\$350.00) for damages sustained when his automobile was struck by a vehicle of the City of Birmingham driven by an employee of the City of Birmingham on December 13, 1962. The City is directed to pay upon this Act becoming law.

Section 2. This Act shall become effective upon its passage by the Governor or upon its otherwise becoming law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
COUNTY OF JEFFERSON

Before me, the undersigned authority in and for said County, in said State, personally appeared Eleanor O. Abercrombie, who, being by me first duly sworn, deposes and says that she is the Publisher of Alabama Legal Advertiser, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established in 1918 under the name of Southern Labor Review which said name was changed to Alabama Legal Advertiser on the 5th day of December, 1959, and which has been published consecutively weekly since said date. And there was published in said newspaper in the issues of June 22, June 29, July 6, July 13, 1963, a legal notice, a copy of which is hereto attached.

ELEANOR. O. ABERCROMBIE,
Publisher,

Sworn and subscribed to on this 15 day of July, 1963.

MILDRED M. GRIFFIN,
Notary Public.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 905, 957, 958, 970, 971, 972, 977, 979, 981, 982, 987 and 967 — to the Committee on Local Legislation.

FURTHER CONSIDERATION OF S. B. 8

The Senate proceeded to further consideration of the Bill, S. B. 8, as amended. The question was on the substitute for the Bill offered by Mr. Hawkins.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Goodwyn, Goldthwaite, Pierce, Little, Ingram, Fite, Cornett, Locke, Jones (Covington), Mashburn, Engel, Etheredge, Hogan, Bowers, Vacca, Pruitt, Burnham, Albea, Merrill, and Edington:

H. J. R. 107. WHEREAS death has ended the long and brilliant career of Judge Walter Burgwyn Jones, dean of the Circuit Judges of Alabama, Judge of the Fifteenth Judicial Circuit for almost forty-three years, and Presiding Judge for twenty-eight years; and

WHEREAS Judge Jones was the distinguished son of distinguished parents, being the son of the late Governor Thomas Goode Jones and Georgene Bird Jones, descendants of families long prominent and influential in Alabama and the South; and

WHEREAS Judge Jones continued and enhanced the family tradition of honor and distinctive service not only by the fairness and impartiality with which he dispatched an enormous load of cases with such deft efficiency, but also by his work and interests in other fields, both related and unrelated to the law; and

WHEREAS, blessed with an almost inexhaustible supply of energy, boundless interests, and a keen mind, Judge Jones was able to accomplish much more than can usually be credited to any one man in his lifetime. Judge Jones made valuable and substantial contributions to the study of law. In 1949, he compiled and published in six volumes, ALABAMA PRACTICE AND FORMS, which books are presently in the process of being revised and reannotated. He wrote several other texts used in the study of law, and numerous treatises and articles for law journals. He was founder of THE ALABAMA LAWYER, official publication of the State Bar, and served as editor until his death. He saw the need of a night law school, and in 1928 founded Jones Law School where he taught regularly for some years, later lectured, and remained as president. He wrote a weekly column "Off the Bench" for the MONTGOMERY ADVERTISER for an overall period of thirty-eight years. He was editor and founder of the Alabama Bible Society Quarterly, and was president of the society for fifteen years. He was the founder of the Montgomery Boys' Club in which he took an active

interest; founder of and former president of the Montgomery Museum of Fine Arts; past president of the Montgomery Public Library; teacher of a Young Men's Bible Class for twenty-five years; and was vestryman and senior warden for many years at St. John's Episcopal Church; and

WHEREAS many honors have come to Judge Jones throughout the years. He was elected to the office of Circuit Judge eight times; has served as vice-president and president of the State Bar; director of the American Judicature Society; a Fellow of the American Bar Association; member of the American Law Institute; national president of Sigma Alpha Epsilon; was awarded an honorary L.L.D. degree by his alma mater, the University of Alabama; was vice-chairman of the board of directors of the Union Bank and Trust Company; and was a much sought after speaker throughout the country, where his wise counsel, courtly manner, and sparkling wit charmed his listeners; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of this body are deeply grieved to learn of the passing of this eminent jurist, and prolific author who yet was never too busy to make a little underprivileged boy feel important. Few men have ever contributed so much to Alabama and particularly to Montgomery County as did Judge Walter B. Jones.

BE IT FURTHER RESOLVED that our deepest regret and sincerest sympathy be extended to his two surviving sisters, Mrs. William B. Griffin of Montgomery and Mrs. Thomas W. Cohoon of Suffolk, Virginia, to whom copies of this resolution shall be sent.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

On motion of Mr. Robison (Montgomery), the Rules were suspended and the Resolution, H. J. R. 107, set out in the foregoing Message from the House, was unanimously concurred in and adopted by the Senate.

MOTION TO ADJOURN LOST

At 12:45 P. M., Mr. Allen moved that the Senate now adjourn until Tuesday, August 6, 1963, at 12 o'clock Noon, which motion was lost.

Yeas 5; Nays 22.

Yeas:

Messrs.	Cooper	Lowe	Taylor	
Allen	Hammond			—5

Nays:

Messrs.	Eddins	Horton	Roberts	
Adams	Evans	James	Robison (Montgomery)	
Bentley	Gilchrist	Collev	Robison (Pickens)	
Brannan	Givhan	McCain	Smith	
Carter	Hawkins	McDow	Wilson	
Dumas	Hornsby	Montgomery		—22

FURTHER CONSIDERATION OF S. B. 8

The Senate proceeded to further consideration of the Bill, S. B. 8, as amended. The question was on the substitute offered by Mr. Hawkins for the Bill, as amended and pending amendment.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Jones (Monroe) and Brewer:

H. 819. To amend Sections 9 and 14 of Act No. 762 enacted at the 1951 Regular Session of the Legislature of Alabama, as amended, so as to provide that a gas district organized under the provisions of said act, as amended, may issue refunding bonds (whether or not the bonds to be refunded are then subject to redemption) in principal amount not exceeding the principal amount of the bonds to be refunded plus any premium necessary to redeem or retire any such bonds, any interest (accrued or to accrue) on such bonds to the date of redemption or retirement thereof and any expenses estimated to be incurred in connection with such refunding, so as to provide that any such refunding bonds may be issued by sale or exchange or any combination thereof, so as to authorize any such district to issue bonds for the combined purpose of so refunding any of its bonds and of acquiring, constructing, providing, improving or extending any gas system or systems and so as to specify with more particularity the purposes for which the proceeds from any such refunding bonds shall be used.

Also:

By Messrs. Edington, Engel, McDermott and Fields:

H. 332. To amend Act No. 68, H. 61, Second Special Session 1959, an act providing for the issuance of distinctive motor vehicle license plates or tags to duly constituted consular officials.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 819 — to the Committee on Municipalities and Municipal Organizations

H. B. 332 — to the Committee on Finance and Taxation

FURTHER CONSIDERATION OF S. B. 8

The Senate proceeded to further consideration of the Bill, S. B. 8, as amended. The question was on the substitute offered by Mr. Hawkins for the Bill, as amended and pending amendment.

ADJOURNMENT

At 4:30 P. M., on motion of Mr. McDow, pending further consideration of S. B. 8, the Senate adjourned until Tuesday, August 6, 1963, at 10 o'clock A. M.

TWENTY-EIGHTH LEGISLATIVE DAY

TUESDAY, AUGUST 6, 1963

The Senate met pursuant to adjournment, Lieutenant Governor Allen presiding.

PRAYER

The Session was opened with prayer by Honorable C. M. Wilson, Chaplain of the Senate.

ROLL CALL

Present:

Messrs.	Eddins	Lolley	Roberts
Adams	Evans	Lowe	Robison (Montgomery)
Allen	Gilchrist	Mathews	Robison (Pickens)
Bentley	Givhan	McCain	Shelton
Brannan	Hammond	McDow	Smith
Carter	Hawkins	Montgomery	Taylor
Clark	Hornsby	Nichols	Tyson
Cooper	Horton	Oden	Wilson
Dumas	James	Reynolds	

—34

JOURNAL

On motion of Mr. Nichols, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

WILLIAM C. MCCAIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. McCain, the foregoing report was concurred in and

the Journal of the Senate for the Twenty-Seventh Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. McDow, leave of absence was granted Mr. Metcalf for today.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 266. Relating to Blount County; abolishing the board of finance and control created by Act No. 334, H. 954, approved September 2, 1955, and restoring and reestablishing the court of county commissioners of Blount County in lieu thereof, providing for the organization, powers, jurisdiction, and duties of the court of county commissioners; and providing for the qualifications, election, term, powers, duties, authority, and compensation of its members.

CHARLES A. MONNTGOMERY,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hammond:

S. 391. To alter, rearrange and extend the bondaries and corporate limits of the town of Hammondville in DeKalb County so as to annex certain territory to the town.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF DEKALB

Notice is hereby given that a bill substantially as follows will be

introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the town of Hammondville in DeKalb County so as to annex certain territory to the town.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the town of Hammondville in DeKalb County are hereby altered, rearranged, and extended so as to include within the corporate limits of the town, in addition to the area now embraced within the boundaries and corporate limits of the town, the following described territory:

The west half of the northwest quarter ($W\frac{1}{2}$ of $NW\frac{1}{4}$); the northwest quarter of the southwest quarter ($NW\frac{1}{4}$ of $SW\frac{1}{4}$); the southeast quarter of the northwest quarter ($SE\frac{1}{4}$ of $NW\frac{1}{4}$); the southwest quarter of the northwest quarter ($SW\frac{1}{4}$ of $NE\frac{1}{4}$), all in Section 19, Township 5, South, Range 10, East.

The east half of the northeast quarter ($E\frac{1}{2}$ of $NE\frac{1}{4}$); the northeast quarter of the southeast quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$); the northwest quarter of the northeast quarter ($NW\frac{1}{4}$ of $NE\frac{1}{4}$), all in Section 24, Township 5, South, Range 9, East.

The southwest quarter of the southeast quarter ($SW\frac{1}{4}$ of $SE\frac{1}{4}$), Section 13, Township 5, South, Range 9, East.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF DEKALB

Before me, the undersigned authority in and for said County in said State, this day personally appeared Ben M. Smith, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Times-Journal, a newspaper of general circulation published in DeKalb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 27, July 4, July 11, and July 18, all in the year 1963.

BEN. M. SMITH,

Sworn to and subscribed before me Aug. 5th, 1963.

MAUDE C. DAVIDSON,
Title Notary Public.

By Mr. Givhan:

S. 392. Relating to public livestock markets; defining terms; providing exemptions; vesting authority in a Public Livestock Market Board making it unlawful to operate a public livestock market without first complying with this act; providing for application for a market charter; providing for hearings on applications and notice thereof; providing for issuance of market charters to existing public livestock markets; prescribing annual charter fees; fixing the method of transfer of market charters; prescribing bond requirements; requiring public livestock market records; providing for the filing and hearing of complaints; providing for the revocation of market charters; fixing the method and procedure for appeals; providing penalties for violations of the act; creating a special fund; repealing certain laws; and fixing an effective date.

Committee on Agriculture.

By Mr. Givhan:

S. 393. Relating to the sale of livestock; making it a misdemeanor for any person to sell, offer for sale, buy or offer to buy livestock on public property within five thousand (5,000) feet of a public livestock market and to provide for enforcement.

Committee on Judiciary.

By Mr. Evans:

S. 394. To authorize and empower governing bodies of municipal corporations, counties, city and county boards of education, city and municipal hospitals, gas districts, any other county or municipal public corporations, agencies or authorities, and state agencies or institutions of education, learning, training or correction, or for the delinquent, insane, sick, deaf, dumb, blind, needy, juvenile or aged to designate certain banks as trustee to administer, invest, hold, and dispense funds of any retirement and pension plans of the governing bodies with such powers and duties as the governing bodies may prescribe; to provide that the governing bodies may pay the trustee a reasonable compensation out of the funds administered by the trustee or out of the general fund of the governing body; to define the retirement and pension plans to which this Act is applicable; to limit applicability of this Act if the Legislature designates a pension board for the retirement and pension board for the retirement and pension plans; and to fix its effective date.

Committee on Banking.

By Mr. Carter:

S. 395. To authorize circuit solicitors of circuits composed of only one county with a population under 500,000 and having two courthouses where circuit court is required by law to be held to employ a secretarial assistant; to prescribe the powers, duties and compensation of such secretarial assist, and to provide for payment of such compensation from the general fund of the county composing such circuit.

Committee on Local Legislation.

By Mr. Roberts:

S. 396. To amend Act No. 472, H. 901, Regular Session 1947, an act regulating the sale of alcoholic beverages in Madison County.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MADISON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 472, H. 901, Regular Session 1947, an act regulating the sale of alcoholic beverages in Madison County.

Be It Enacted by the Legislature of Alabama:

Section 1 of Act No. 472, H. 901, Regular Session 1947, an act regulating the sale of alcoholic beverages in Madison County (Local Acts 1947, p. 331) is hereby amended to read as follows:

"Section 1. It is unlawful for any person, firm, corporation, or association to sell or offer to sell any spirituous or vinous liquor in Madison County except at Alabama Alcoholic Beverage Control Board liquor stores, or to sell or offer to sell within such county any malt or brewed beverages except within the police jurisdiction of an incorporated municipality thereof. However, the council or commission of the City of Huntsville may license and regulate the sale of spirituous or vinous liquors and malt or brewed beverages in private clubs within the city; and may adopt and enforce such ordinances as may be considered necessary for such purpose. As used in this Act, the term 'club' shall have the meaning ascribed to such term in Alabama Code 1940, Title 29, Section 1 (f)."

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MADISON

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. C. Lewis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Secretary-Treasurer of the Huntsville Times, a newspaper of general circulation published in Madison County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 15, July 22, July 29, and August 5, all in the year 1963.

W. C. LEWIS,
Secretary-Treasurer.

Sworn to and subscribed before me August 5, 1963.

OPAL H. DILWORTH,
Title Notary Public.

By Mr. Cooper (By Request):

S. 397. To provide educational benefits to children of certain veterans.

Committee on Education.

By Mr. Carter:

S. 398. To amend further Section 3 of Act No. 65, H. 81, approved November 4, 1950, an act creating a board of revenue for Jackson County (Acts 1950-51, v. 1, p. 126), in relation to the compensation and expense allowances of members of the board of revenue.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

STATE OF ALABAMA
COUNTY OF JACKSON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To amend further Section 3 of Act No. 65, H. 81, approved November 4, 1950, an act creating a board of revenue for Jackson County (Acts 1950-51, v. 1, p. 126), in relation to the compensation and expense allowances of members of the board of revenue.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 65, H. 81, approved November 4, 1950, an act creating a board of revenue for Jackson County (Acts 1950-51, v. 1, p. 126), as amended, is amended further to read as follows:

"Section 3. At the general election in November, 1952, and every four years thereafter, the qualified electors of Jackson County shall elect from the county at large a chairman of the Board of Revenue and a member of the Board of Revenue for each of the four commissioners' districts in the county as they are now constituted. A candidate for chairman of the Board must be a qualified elector and legal resident of Jackson County. Each candidate for associate member of the Board must be a qualified elector and legal resident of the district he seeks to represent. The chairman and members of the Board shall assume office the first Monday after the second Tuesday in January, 1953, and every four years thereafter. They shall hold office for a term of four years and until their successors are elected and qualified. The chairman shall be paid a monthly salary of three hundred dollars (\$300), to be paid from the county treasury, and he shall also be entitled to receive the sum of two hundred dollars (\$200) per month, payable from the County treasury, to defray the expenses incurred by him in performing the duties of his office. Each member of the Board shall receive twelve dollars (\$12) for each day's service, not to exceed forty-eight dollars (\$48) per month and travel expenses of ten cents per mile travelled

in attending regular and special meetings of the Board. In addition to all other wages, salary, and other compensation herein provided to be paid the four members of the board, said members shall each be paid, out of the general funds of the county, the sum of eighteen hundred dollars (\$1800) per annum, payable in twelve equal monthly installments, to defray the expenses incurred by such members in performing the various duties of their respective offices."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF JACKSON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Fred J. Buchheit, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of The Sentinel-Age, a newspaper of general circulation published in Jackson County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 7, July 14, July 21, and July 28, all in the year 1963.

FRED J. BUCHHEIT,

Sworn to and subscribed before me Aug. 5, 1963.

EVELYN TUBBS,

Title Notary Public.

My commission expires 5 Nov., 1966.

By Mr. Clark:

S. 399. To amend Code of Alabama 1940, Title 45, Sections 190, 198, 199, 201, 203, and 229; repealing Sections 200, 202 and 216 relating to the operation, management and control of Alabama state hospitals.

Committee on Finance and Taxation.

By Mr. Clark:

S. 400. To amend Code of Alabama 1940, Title 45, Sections 232, 234, 235, 240, 249 and 252 relating to the operation and management of Partlow state school and hospital; authorizing the board of managers to acquire and operate additional facilities under prescribed conditions; further regulating the employment procedures and fiscal management of the institution; designating the services of the institution essential functions of the state; abolishing the office of treasurer of such institution and authorizing the appointment of a business manager, assistant business manager, and reimbursement officer for such institution.

Committee on Finance and Taxation.

By Mr. Clark:

S. 401. To amend Sections 2 and 3 of Act No. 777, H. 909, Regular Session 1953 (Acts 1953, p. 1048) relating to support and maintenance

of mentally ill persons committed to the state mental institutions; authorizing the superintendent of Alabama state hospitals to fix and determine responsibility for the care and support of inmates committed to such institutions.

Committee on Finance and Taxation.

By Mr. Clark:

S. 402. To amend Sections 3 and 4 of Act No. 778, H. 910, Regular Session 1953 (Acts 1953, p. 1051) relating to periodic redeterminations of the financial condition of all non-paying inmates of the State mental institutions; authorizing the superintendent of the Alabama state hospitals to fix the responsibility of the cost of the care, support, non-paying inmates of state mental institutions and prescribing the procedure therefor.

Committee on Finance and Taxation.

By Mr. Robison (Montgomery):

S. 403. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 33 and 34, Township 16 North, range 18 East and Sections 3 and 4, Township 15 North and Range 18 East, Montgomery County, Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given of the intension to apply to the Legislature of Alabama for passage of a law in substance as follows:

A BILL TO BE ENTITLED AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 33 and 34, Township 16 North, Range 18 East and Sections 3 and 4, Township 15 North and Range 18 East, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama be, and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said city certain additional territory lying within the following described boundaries, to-wit:

Beginning at the common corner of Sections 27, 28, 33, and 34, all in Township 16 North, Range 18 East, and runing thence south along the west line of said Section 34 to the southwest corner of the Northwest $\frac{1}{4}$ of Section 34; thence turning and running west along the east-west

half section line of Section 33, T 16, R 18, to the east side of the Woodley Road; thence turning and running in a southeasterly direction along the east side of the Woodley road a distance of 5,223.4 feet, more or less; thence turning and running North 49 degree — 07' East 440.67 feet; thence South 82 degree — 52' East 2,000.59 feet, more or less to a point in the north-south half section line of Section 3, Township 15 North, Range 18 East; thence north along said half-section line a distance of 1,786.27 feet to the northeast corner of the Northwest $\frac{1}{4}$ of Section 3, T 15, R. 18, said point also being the Southeast corner of the West $\frac{1}{2}$ of Section 34, T 16, R 18; thence north along the north-south half section line of said Section 34 to the north line of said Section 34 at the Northeast corner of said West $\frac{1}{2}$ of Section 34; thence west along the north line of Section 34, T 16, R 18, to the northwest corner thereof, the point of beginning.

Section 2. That this act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF MONTGOMERY

Before me, Kathleen F. Oswald, a Notary Public in and for said State and County personally appeared Betty Shine, bookkeeper for "The Advertiser Company, Inc.", publishers of the Alabama Journal, a newspaper published in the City of Montgomery, and State of Alabama, who, being by me first duly sworn, deposes and says that the foregoing and attached is a true copy of a "Legal Notice" which appeared in the regular editions of the said newspaper published in said City and County of Montgomery on July 13, July 20, July 27, and Aug. 3, 1963.

BETTY SHINE,

Sworn to and subscribed before me, this the 5th day of August, 1963.

KATHLEEN F. OSWALD,
Notary Public.

By Mr. McCain:

S. 404. Relating to counties having populations of not less than 100,000 nor more than 115,000 according to the latest or any succeeding Federal census and providing for the creation of a committee in such counties to coordinate the efforts of the various forces in said counties to promote the economic, cultural and educational welfare of the citizens of such counties; naming the membership of such committees and providing for their functions and duties and the tenure of office of its membership; and to provide that the probate judge of such counties shall be ex officio chairman of such committees; and providing further for the financing of the expenses of such committees.

Committee on Local Legislation.

By Mr. Roberts:

S. 405. To amend Section 511 of Title 37 of the Code of Alabama of 1940 so as to enlarge the said section to include other public cultural facilities.

Committee on Municipalities and
Municipal organizations.

By Mr. Smith:

S. 406. To re-divide the State into judicial circuits so as to create the Thirty-Fourth Judicial Circuit, and to provide for a judge and solicitor of the newly-created circuit; amended further Code of Alabama 1940, Title 13, Section 112; repealing conflicting laws.

Committee on Finance and Taxation.

By Messrs. McDow and Cooper:

S. 407. To provide for the appointment, removal, and discharge of a legal representative to manage public assistance payments for certain public assistance applicants or recipients, and to prescribe the duties of such legal representative.

Committee on Judiciary.

REPORTS OF COMMITTEES

Mr. Taylor, Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Crawford:

H. 157. To propose an amendment to the Constitution relative to the method of adopting amendments to the Constitution.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Crawford:

H. 152. To amend Section 744 of Title 37 of the Code of Alabama (1940), as amended by Act No. 355, H. 510, approved August 15, 1947, which relates to the maximum amount of privilege or license tax which the several municipalities within the State may annually assess and collect for the privilege of operating telephone exchanges and long distance telephone lines within the limits of such municipalities.

By Mr. Crawford:

H. 316. To amend Code of Alabama 1940, Title 37, Section 781, which relates to boards of adjustment of incorporated cities and towns.

Mr. Smith, Chairman of the Standing Committee on Immigration, Industrial Resources and Labor, reported that said Committee, in Session had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Edwards (Escambia):

H. 145. To amend further Code of Alabama 1940, Title 26, Section 362, which relates to the employment of child labor.

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the fol-

lowing bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Eddins (With Notice and Proof):

S. 337. Relating to Marengo County; providing further for the authority, powers, and duties of city and county boards of education in said county, particularly in relation to the establishment of public schools.

By Mr. Eddins (With Notice and Proof):

S. 338. Relating to Marengo County; providing for condemnation of any motor vehicle, gun, rifle, or other hunting equipment of persons convicted of night hunting of deer in the county and providing for the disposition of the proceeds of the sale thereof.

By Mr. Pruitt (With Notice and Proof):

H. 846. Relating to Sumter County; declaring motor vehicles, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting in the county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state conservation fund.

By Mr. Pruitt (With Notice and Proof):

H. 847. To alter and rearrange the boundaries of the town of Livingston, Sumter County.

Mr. Brannan, Chairman of the Standing Committee on Agriculture, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Nettles, Young and Reynolds:

H. 859. To amend Section 172 of Title 2 of the Code of Alabama of 1940 relating to the annual permit required for the operation of a cotton gin.

By Mr. Drake et al:

H. 139. To provide for the eradication, control and prevention of the spread of diseases of poultry by requiring commercial poultry producers and commercial poultry hatcheries to be equipped with facilities for the destruction and disposal of dead poultry, unhatched or unused eggs and other poultry waste, and to authorize the State Board of Agriculture and Industries to adopt rules, regulations and requirements to carry out the requirements of this Act; to provide a penalty for violations of this Act and to make it unlawful to supply or furnish poultry producers with baby chicks in violation of this Act.

Mr. Allen, Chairman of the Standing Committee on Public Roads and Highways, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Fite:

H. 494. Relating to contractors bidding on highway work submitting a check or bid bond with their bid as a proposal guaranty.

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Robison (Montgomery) (With Notice and Proof):

S. 341. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 3, Township 16N, Range 1E.

By Messrs. Goodwyn, Pierce, Goldthwaite and Little:

H. 939. Relating to the fifteenth judicial circuit of Alabama; regulating and prescribing the qualifications of persons engaged in the bail bond business in such circuit; repealing conflicting laws.

By Messrs. Pierce, Goodwyn, Goldthwaite and Little (With Notice and Proof):

H. 936. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain addition territory in Section 3, Township 16N, Range 1E.

By Messrs. Pierce, Goodwyn, Goldthwaite and Little (With Notice and Proof):

H. 820. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 21, 22, 27 and 28, Township 16 North, Range 18 East, Montgomery County, Alabama.

By Messrs. Goodwyn and Pierce:

H. 580. To fix the compensation of the judge of probate of all counties having a population of not less than 160,000 nor more than 300,000, according to the last or any subsequent federal decennial census, and to regulate the payment of same, and to require the judge of probate to pay into the County Treasury of said county all costs and charges of Court, Fees and Commission authorized by law to be collected by said judge of probate as other moneys belonging to said county are paid.

By Mr. Hammond (With Notice and Proof):

S. 379. Relating to DeKalb County; fixing the minimum pay for school bus drivers.

By Mr. Sullivan:

H. 981. To authorize, provide for the licensing of, and to regulate the operation of and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in all counties having populations of not less than 21,850 nor more than 21,950 according to the 1960 or any subsequent federal decennial census; to prescribe the

fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

By Messrs. Hannah and Boston:

H. 775. Relating to all judicial circuits of the State of Alabama composed of only one county and having a population of not less than Sixty Thousand Five Hundred (60,500) and not more than Sixty-five Thousand (65,000) inhabitants according to the last or any succeeding federal decennial census; authorizing the solicitor of said circuit to appoint a Deputy Circuit Solicitor and providing for the payment of said Deputy Circuit Solicitor's compensation from the general funds of the county constituting such circuit.

By Messrs. Hannah and Boston:

H. 774. To provide for payment of expenses of circuit solicitors in judicial circuits in Alabama composed of one county and having a population of not less than Sixty Thousand Five Hundred (60,500) and not more than Sixty-five Thousand (65,000) inhabitants according to the last or any succeeding federal decennial census, to be paid out of the county treasury of such counties.

By Mr. Tyson:

S. 388. To regulate further the power and authority of cities having populations of not less than 150,000 nor more than 350,000, according to the last or any subsequent federal decennial census, to levy, impose, or collect privilege license taxes.

By Mr. Tyson:

S. 387. Relating to municipalities having populations of not less than 200,000 nor more than 300,000, according to the 1960 or any subsequent federal decennial census; providing an optional form of government which may be adopted by such municipalities; and providing the method by which any such municipality may adopt such an optional form of municipal government.

UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate proceeded to consideration of the unfinished business for today which was the Bill:

S. 8. To regulate the lending of money repayable in installments, whether secured or unsecured; to provide the maximum rate of interest and other charges on such transactions; to regulate such transactions; to prescribe penalties for violation of this Act; to define the phrase "installment loan" for the purposes of this Act; to provide for a short title therefor so that the same may be cited as the "Installment Loan Act"; to provide for the repeal of inconsistent laws heretofore enacted; to provide exemptions from the provisions of this Act; to provide when this Act shall take effect, and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

as amended.

The question was on the substitute offered by Mr. Hawkins, which said substitute is set out at length in the Journal of the Senate for

the Twenty-Sixth Legislative Day, for the Bill, S. B. 8, as amended, and pending amendment.

RESOLUTION

Mr. Givhan offered the following Senate Joint Resolution, to-wit:

S. J. R. 38. WHEREAS the President of the United States has struck another blow at the very guts of our nation. Whether it be from supine ignorance, flagrant disregard of our national safety, or a calculated scheme to undermine our very existence, matters not. Another blow for power has been struck, and the President must be stopped before it is too late; and

WHEREAS the President's latest assault on this country consists of a series of strategic moves wherein he appointed a civilian committee, no member of which was a member of the armed forces or was a seasoned lawyer, known as the Gesell Committee or the President's Committee on Equal Opportunity in the Armed Forces. This committee which was evidently specifically briefed on what its findings should be forwarded its report to the President who in turn compounded its fallaciousness by issuing not only a vicious but an inane accompanying directive to the Secretary of Defense who responsive to orders issued a directive -- incorrectly entitled "Equal opportunity in the Armed Forces" -- based on the recommendations of the Gesell Committee; and

WHEREAS this directive if put into effect would not only undermine the effectiveness of the armed forces, but would be the first long step toward creation of a military dictatorship. Unimaginable power and authority would be vested in the military over local civilian authorities in order to accomplish social reforms and to intervene in local and political controversies. A "Big Brother" system for reporting and monitoring discriminatory practices would expedite inauguration of economic reprisals; and

WHEREAS the most serious threat to this latest product of a diseased mind would be the inevitable removal of the military from its vital and traditional role of the defense of this nation; and

WHEREAS Senator John Stennis of Mississippi, important member of the Senate Committee on Armed Forces and Chairman of its subcommittee on preparedness, has issued a strong protest of the Gesell report and its presidential directive; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That we do most strongly endorse Senator Stennis in his forceful stand against this invidious directive and that we do urgently request the President of the United States and the Secretary of Defense to rescind their directives.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the office of the President, the Secretary of Defense, and to each member of the Congress from this State.

Which was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 8

The Senate proceeded to further consideration of the Bill S. B. 8. The question was on the substitute offered by Mr. Hawkins for the

Bill, S. B. 8, as amended, and pending amendment. Said substitute was then adopted by the Senate.

Yeas 24; Nays 2.

Yeas:

Messrs.	Cooper	Hornsby	McDow
Adams	Dumas	Horton	Nichols
Allen	Eddins	James	Robison (Montgomery)
Bentley	Evans	Lolley	Robison (Pickens)
Brannan	Hammond	Mathews	Shelton
Carter	Hawkins	McCain	Wilson
Clark			

—24

Nays:

Messrs.	Lowe	Taylor	
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—2

Mr. Carter offered the following amendment to the Bill, S. B. 8, as amended by the substitute, to-wit:

Amendment to Senate Bill No. 8 As Amended by Substitute

Amend Senate Bill No. 8 as amended by substitute by striking Subsections (3), and (5) of Section 3 (b), and by substituting the following:

(3) The premium on any life insurance policy on the life of the borrower. Said insurance may not exceed the approximate term of said loan, or the approximate amount of the loan or commitment to lend. The premium, or identifiable charge, collected by the lender or its officers, agents or employees on life insurance shall not exceed the lowest premium or identifiable charge for such insurance as filed with and approved by the insurance commissioner of the State of Alabama by a company licensed to do business in the State of Alabama and writing such insurance; provided, however, that in no event shall the premium or identifiable charge exceed \$1.00 per annum for each \$100 of life insurance.

(5) The insurance authorized in subsection (3) and (4) hereof must be written by insurance companies authorized to do business in Alabama. Premiums for said insurance may not be deducted from the proceeds of the loan.

Mr. Wilson moved that further consideration of the Bill, S. B. 8, as amended by the substitute, and pending amendment be postponed until the Thirtieth Legislative Day.

Mr. McDow moved as a substitute motion that further consideration of the Bill, S. B. 8, as amended by the substitute, and pending amendment be indefinitely postponed. On motion of Mr. Hawkins, the motion to indefinitely postpone was laid on the table.

Yeas 13; Nays 9.

Yeas:

Messrs.	Gilchrist	Montgomery	Robison (Montgomery)
Adams	Givhan	Reyno'ds	Robison (Pickens)
Bentley	Hawkins	Roberts	Wilson
Clark	Horton		

—13

Nays:

Messrs.	Hammond	McDow	Oden	
Allen	Lolley	Nichols	Taylor	
Cooper	Lowe			—9

The question recurred on the motion of Mr. Wilson, which was adopted, and further consideration of the Bill, S. B. 8, as amended by the substitute, and pending amendment was postponed until the Thirtieth Legislative Day.

BILLS ON THIRD READING

The Bill:

H. 921. To make an additional appropriation for payment of expenses of the Legislature.

Was read a third time at length and passed

Yeas 21; Nays 0.

Yeas:

Messrs.	Gilchrist	Lowe	Roberts	
Adams	Givhan	Mathews	Robison (Montgomery)	
Allen	Hammond	McDow	Robison (Pickens)	
Bentley	Hawkins	Montgomery	Shelton	
Clark	Horton	Nichols	Wilson	
Cooper	Lolley			—21

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Messrs. Turner (Crenshaw), Brewer and Fite:

H. 1007. To regulate the lending of money repayable in installments, whether secured or unsecured, in amounts in excess of \$300 by those holding a license under the Alabama Small Loan Act, or by a "related company" as defined herein; to provide the maximum rate of interest and other charges on such transactions; to regulate such transactions; to prescribe penalties for the violation of this Act; to provide for the repeal of inconsistent laws heretofore enacted; to provide exemptions from the provisions of this Act; to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision; to provide when this Act shall take effect.

And sends same herewith to the Senate for its consideration

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 1007 — to the Committee on Rules

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill; and returns same herewith to the Senate:

S. 282. To propose an amendment to the Constitution of Alabama to authorize the State to become indebted and issue its general obligation bonds in a principal amount not exceeding \$10,000,000 for the purpose of financing the construction and equipment of works of internal improvement for use and operation as a part of the State Docks facilities and providing for the retirement of all or any part of the revenue bonds heretofore issued by Alabama State Docks Department.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Dumas, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 282, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO SENATE BILL 282

Senate Bill 282 is hereby amended by striking out the fourth sentence of the second full paragraph of the Proposed Amendment (which begins as follows: "When each series of bonds is issued, the maturities of the bonds of that series shall") and substitute for that sentence the following: "The largest installment of principal and interest maturing on each series of the bonds in any one year shall not exceed twice the preceding smallest installment of principal and interest maturing thereon in any prior year."

Yeas 29; Nays 0.

Yeas:

Messrs.	Eddins	Lolley	Reynolds
Allen	Evans	Lowe	Roberts
Bentley	Gilchrist	Mathews	Robison (Montgomery)
Brannan	Givhan	McCain	Robison (Pickens)
Carter	Hammond	McDow	Smith
Clark	Hawkins	Montgomery	Tyson
Cooper	Horton	Nichols	Wilson
Dumas	James		

—29

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Little, Goldthwaite, Goodwyn, Pierce and Turner (Crenshaw):

H. J. R. 102. WHEREAS in the highest tradition of the sea and of the American sport the selection of the United States' representative to defend the challenge for the America's Cup will shortly be begun, and

WHEREAS the people of Alabama share with the people of New England and with all Americans the inheritance of these proud traditions,

NOW THEREFORE BE IT RESOLVED that the Honorable C. M. A. Rogers, III and the Honorable W. E. Perry, Jr. be designated the official representatives of the people of Alabama to attend and observe in their name the challenge races for the America's Cup,

BE IT FURTHER RESOLVED that such official representative be empowered and authorized to name a group of not more than five persons to accompany them, and that the names of these persons together with a copy of this resolution be sent to the Commodore of the New York Yacht Club by the Clerk of the House of Representatives of Alabama with a request that they be assisted in securing suitable accommodations and observation opportunities for the racing.

BE IT FURTHER RESOLVED that such group of persons be known as the Semmes Committee in honor of Admiral Raphael Semmes, CSN and that the Semmes Committee be and it hereby is requested to report to the Regular Session of the Legislature in 1965 on the feasibility of an expanded program of sailing yacht racing in Alabama waters.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Hawkins, the Rules were suspended and the Resolution, H. J. R. 102, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Little, Pierce, Goodwyn, Goldthwaite, Turnham, Paulk, Stembridge, Jones (Monroe), Salter, Thomas, Cates, Cornett and Hawkins:

H. J. R. 103. WHEREAS Coach Wilbur Hall Hutsell, dean of southern track and field coaches, leaves a long and enviable record upon

his retirement from Auburn University where he has achieved rare success; and

WHEREAS Coach Hutsell has completed his forty-second straight season as Auburn's track coach by winning all four 1963 dual meets and finishing third in the Southeastern Conference meet in Birmingham; and

WHEREAS Coach Hutsell, despite having had a minimum number of boys on scholarship, holds a dual meet record through the years that may never be equaled, it standing at 140 wins and 25 losses; and

WHEREAS Coach Hutsell has produced 75 SEC champions, plus 7 others who have tied for first place in 31 SEC meets. His teams won the SEC title in 1954, 1955, and 1961. He has coached 14 Southeastern AAU title teams, 3 national high hurdle champions, 2 NCAA and 1 NAAU discus champions and 4 olympic performers. He has been an assistant coach on 3 Olympic teams; and

WHEREAS Coach Hutsell came to Auburn from the University of Missouri in 1921 from which time he served as track coach and trainer until 1947 when he was made Director of Athletics. In 1951 he resigned this position to return to his first love, track and field; and

WHEREAS throughout all these many years of successful service the wise counsel and example of Coach Hutsell has been a beneficial influence over the lives of the many hundreds of boys under his tutelage; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That the Legislature of Alabama takes note of the retirement of Coach Hutsell, commends him for his outstanding record of achievements, and wishes to thank him for his great contribution and service to Auburn University and to the people of this State.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Coach Hutsell and to Auburn University.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Smith, the Rules were suspended and the Resolution, H. J. R. 103, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Powell:

H. J. R. 104. WHEREAS Mrs. Boonie Odessa Brvant passed away in East Tallassee on July 28, 1963 after a long and useful Christian life, the funeral being this afternoon; and

WHEREAS Mrs. Bryant is survived by two daughters Mrs. Levis A. Jones of Blairsville, Georgia and Mrs. Owen Harper, wife of our esteemed member from Tallapoosa County; now

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the members of the House express their deepest regret upon the death of Mrs. Bryant and extend their sincere sympathy to the surviving members of her family.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Mrs. Jones and Mrs. Harper.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Hornsby, the Rules were suspended and the Resolution, H. J. R. 104, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill; and returns same herewith to the Senate:

S. 243. Relating to Walker County; providing for and establishing a central purchasing system for the county, and for all officers, offices, departments, and instrumentalities of the county, including public hospitals but excluding the county board of education.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Wilson, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 243, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 243

In Section 2, Strike out the words and figures "two hundred fifty dollars (\$500)" wherever they appear therein and insert "five hundred dollars (\$500)"

Also, in Section 2, 4th paragraph, strike out ~~the words and figures~~ "ten dollars (\$10)" and insert "fifty dollars (\$50)"

Yeas 24; Nays 0.

Yeas:

Messrs.	Hammond	McCain	Robison (Pickens)
Brannan	Hawkins	McDow	Shelton
Carter	Hornsby	Montgomery	Smith
Clark	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Fite, Rast, Bailes, Collins, Goodwyn, Perry, Morrow, Brown (Jefferson), and Gilmore:

H. 218. To amend Sections 20 and 21 of Title 30, Code of Alabama (1940), which relate to the qualifications of persons on jury rolls.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 218 — to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Goldthwaite and Fields:

H. 826. To regulate, tax, supervise and control placement of insurance with insurers not-admitted to Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 826 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Turnham, Hannah, Boston and Davis:

H. 520. To amend Act No. 812, H. 43, Regulate Session 1961 (Acts 1961, v. 2, p. 1188) which provides for a scholarship program for education in the field of library science, and authorizes the use of funds available to the Alabama Public Library Service.

Also:

By Messrs. Nettles, Brewer, Crawford, Fite, Thomas, Morrow, Posey, Blanton, Cook, Wood, Callahan, Stembridge, Engel, Turnham, Boston, Hannah, McCorquodale, Cornett, Goodwyn, Grouby, Turner (Crenshaw), McDermott, Daniel, Hogan, Jones (Monroe), Doggett, Bassett, Edwards (Escambia), Edwards (Lowndes), Mashburn, Downing, Davis, Cates, Brown (Tuscaloosa), Faulk, Campbell (Tuscaloosa), Sullivan, Drake, Meade, Hawkins, Reynolds and Bevill:

H. 1057. To fix the salary of the State Commissioner of Revenue.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 520 — to the Committee on Education

H. B. 1057 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and order same sent forthwith to the Senate without engrossment:

By Messrs. Turner (Crenshaw), Goodwyn, Nettles, Brewer and Fite:

H. 891. Relating to public schools; empowering local school boards of the state to further regulate the manner, method, and procedure for teaching in the classrooms of the public schools.

Also:

By Messrs. Turner (Crenshaw), Goodwyn, Nettles, Brewer and Fite:

H. 892. Relating to public schools; further empowering local boards of education to take certain actions in respect of pupils who create disciplinary problems.

Also:

By Mr. Goodwyn:

H. 874. To appropriate to the Department of Conservation, Division of State Parks, Monuments and Historical Sites, the sum of One Hundred Fifty Thousand Dollars or so much thereof as may be necessary for the purpose of paying such sums as may be ordered by the Federal Court in settlement of equities in the litigation concerning the Gulf State Park properties, and further for the purchase of a motel and certain lands adjacent thereto located within Gulf State Park in Baldwin County, Alabama, and further authorize the Director of Conservation to make such purchase from the Small Business Administration, an agency of the United States Government.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 891 and 892 — to the Committee on Education

H. B. 874 — to the Committee on Finance and Taxation

RESOLUTION

The Rules Committee reported the following Resolution, to-wit:

S. R. 39. Resolved by the Senate that the following shall be the special, paramount & continuing orders of business until disposed of:

H. B. 357	on	Pg. 72
H. B. 358	" "	73
H. B. 359	" "	75
H. B. 360	" "	75
H. B. 361	" "	75
H. B. 362	" "	75
S. B. 278	" "	33

Which was adopted.

SPECIAL ORDERS BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount and continuing orders of business, the first of which was the Bill:

H. 357. To make annual appropriations for the support, maintenance, and development of public education in Alabama for each of the fiscal years ending September 30, 1964 and September 30, 1965, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Board of Trustees of Alabama College, the Board of Trustees of Auburn University, the Board of Trustees of the University of Alabama, the Board of Trustees of the Alabama In-

stitute for Deaf and Blind, the Board of Trustees of the Alabama Boys Industrial School, the Board of Trustees of the Alabama Industrial School for Negroes, the Board of Trustees of the State Training School for Girls, the Alabama Educational Television Commission, and for the Teachers' Retirement System.

And said bill was read a third time at length and passed.

Yeas 34; Nays 0.

Yeas:

Messrs.	Eddins	Lolley	Roberts
Adams	Evans	Lowe	Robison (Montgomery)
Allen	Gilchrist	Mathews	Robison (Pickens)
Bentley	Givhan	McCain	Shelton
Brannan	Hammond	McDow	Smith
Carter	Hawkins	Montgomery	Taylor
Clark	Hornsby	Nichols	Tyson
Cooper	Horton	Oden	Wilson
Dumas	James	Reynolds	

—34

Nays:

—0

The Bill:

H. 358. To make an appropriation to the State Superintendent of Education for the purpose of contracting with Tuskegee Institute for undergraduate and graduate instruction of Alabama residents in engineering, veterinary medicine, nursing, home economics and agriculture.

was take up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, to-wit:

FINANCE & TAXATION COMMITTEE AMENDMENT TO H. B. 358

Amend Section 1 of H. B. 358 by adding at the end of said section the following:

"In addition to the appropriation hereinabove made and under the same conditions as set out in this section, there is hereby appropriated the sum of \$100,000.00 for each of the fiscal years ending September 30, 1964 and September 30, 1965, conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor."

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.	Eddins	Mathews	Robison (Montgomery)
Allen	Givhan	Montgomery	Robison (Pickens)
Bentley	Hawkins	Nichols	Shelton
Brannan	James	Oden	Taylor
Cooper	Lolley	Reynolds	Wilson
Dumas			

—20

Nays:

—0

Mr. Reynolds then offered the following amendment to the Bill, H. B. 358, as amended, to-wit:

AMENDMENT TO H. B. 358 AS AMENDED

Amend House Bill 358 as amended by adding at the end of Section one thereof the following:

Provided, however, that if either S. B. 370 or H. B. 1026 is enacted into law, then in either of such events the conditional appropriation of \$100,000.00 shall be of no force and effect.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.	Eddins	Lolley	Reynolds
Allen	Givhan	Mathews	Robison (Montgomery)
Bentley	Hammond	Montgomery	Robison (Pickens)
Brannan	Hawkins	Nichols	Shelton
Cooper	James	Oden	Taylor
Dumas			

—20

Nays:

—0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 32; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Bentley	Givhan	McCain	Robison (Pickens)
Brannan	Hawkins	McDow	Shelton
Carter	Hornsby	Montgomery	Smith
Clark	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—32

Nays:

—0

The Bill:

H. 359. To make appropriation for the support and maintenance of the Southern Industrial Institute.

Was read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Messrs.	Eddins	Lolley	Robison (Montgomery)
Adams	Evans	Lowe	Robison (Pickens)
Bentley	Gilchrist	Mathews	Shelton
Brannan	Givhan	McCain	Smith
Carter	Hammond	Montgomery	Taylor
Clark	Hawkins	Nichols	Tyson
Cooper	Hornsby	Oden	Wilson
Dumas	Horton	Roberts	

—30

Nays:

—0

The Bill:

H. 360. To make an appropriation for the support and maintenance of the Walker County Junior College, located at Jasper, in Walker County.

Was read a third time at length and passed.

Yeas 32; Nays 0.

Yeas:

Messrs.	Evans	Lolley	Roberts
Adams	Gilchrist	Lowe	Robison (Montgomery)
Bentley	Givhan	Mathews	Robison (Pickens)
Brannan	Hammond	McCain	Shelton
Carter	Hawkins	McDow	Smith
Clark	Hornsby	Montgomery	Taylor
Cooper	Horton	Nichols	Tyson
Dumas	James	Oden	Wilson
Eddins			

—32

Nays:

—0

The Bill:

H. 361. To make appropriations from the state treasury for support and maintenance of the Marion Institute, located in Perry County.

Was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Messrs.	Eddins	Lolley	Oden
Adams	Evans	Lowe	Robison (Montgomery)
Bentley	Gilchrist	Mathews	Robison (Pickens)
Brannan	Givhan	McCain	Smith
Carter	Hammond	McDow	Taylor
Clark	Hawkins	Montgomery	Tyson
Cooper	Hornsby	Nichols	Wilson
Dumas	Horton		

—29

Nays:

—0

The Bill:

H. 362. To make an appropriation for the support and maintenance of the Alabama Vocational School for Girls.

Was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs.	Evans	Lolley	Robison (Montgomery)
Adams	Gilchrist	Lowe	Robison (Pickens)
Bentley	Givhan	Mathews	Shelton
Brannan	Hammond	McCain	Smith
Carter	Hawkins	Montgomery	Taylor
Clark	Hornsby	Oden	Tyson
Cooper	Horton	Roberts	Wilson
Eddins			

—28

Nays:

—0

The Bill:

S. 278. To appropriate \$300,000 annually or as much thereof as may be necessary from the Alabama Special Educational Trust Fund to the State Board of Education as a part of the Minimum Program Fund, in addition to all other appropriations in the Minimum Program Fund, for the education and training of exceptional children including the administration, maintenance, and operation of classrooms, classes, and teachers for such classes in accordance with Act No. 67, approved June 27, 1963.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nays 0.

Yeas:

Messrs.	Evans	James	Oden
Adams	Gilchrist	Lolley	Roberts
Bentley	Givhan	Lowe	Robison (Montgomery)
Brannan	Hammond	Mathews	Robison (Pickens)
Carter	Hawkins	McCain	Smith
Clark	Hornsby	McDow	Taylor
Cooper	Horton	Montgomery	Tyson
Eddins			

—28

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Messrs. Bevill, Scurlock, Burns, Drake, Downing:

H. 399. To amend Title 26, Sections 289 and 293 of the 1940 Code of Alabama, as last amended by Act 272, Sections 2 and 3 approved September 15, 1961, which relates to the Workmen's Compensation Law.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 399 — to the Committee on Immigration, Industrial Resources and Labor

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 921. To make an additional appropriation for payment of expenses of the Legislature.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

MOTION TO RECESS ADOPTED

At 4:30 P. M., on motion of Mr. Mathews, the Senate took a recess until 4:50 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Honorable James B. Allen, President and Presiding Officer of the Senate.

A quorum of the Senate was present.

BILLS ON THE THIRD READING RESUMED

The Bill:

H. 444. To prescribe the manner of fixing the salary of the chief

deputy sheriff of Geneva County, Alabama, the maximum and minimum thereof and the manner of payment of the same.

Was read a third time at length and passed:

Yeas 24; Nays 0.

Yeas:

Messrs.	Hammond	McCain	Robison (Pickens)
Brannan	Hawkins	McDow	Shelton
Carter	Hornsby	Montgomery	Smith
Clark	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 261. To amend Section 5 of Act No. 31, H. 256, Regular Session 1957 (Acts 1957, v. 1, p. 77), the act providing that the state highway department shall construct, maintain, and repair the roads and bridges of DeKalb County, in relation to the hours of work and pay of personnel employed in road and bridge work in the county.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Hammond	Montgomery	Smith
Bentley	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 502. To provide additional compensation or salary for the official court reporters in all circuit courts in all counties of the State of Alabama having a population of not less than 150,000 nor more than 300,000 inhabitants according to the last preceding or any subsequent federal decennial census; and providing for the payment thereof.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Allen	Brannan	Clark
Adams	Bentley	Carter	Evans

Gilchrist	Lowe	Montgomery	Robison (Pickens)	
Givhan	Mathews	Nichols	Shelton	
Hammond	McCain	Roberts	Smith	
Hawkins	McDow	Robison (Montgomery)	Taylor	
Hornsby				—24

Nays:

—0

The Bill:

H. 553. Relating to Crenshaw County; amending further Act No. 502, H. 916, Regular Session 1947, (Local Acts 1947, p. 340) an act providing for the compensation of members of the court of county commissioners.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Hammond	McCain	Robison (Montgomery)	
Brannan	Hawkins	McDow	Shelton	
Carter	Hornsby	Montgomery	Smith	
Clark	Horton	Nichols	Taylor	
Cooper	James	Oden	Tyson	
Dumas	Lolley	Reynolds	Wilson	
Eddins				—24

Nays:

—0

The Bill:

H. 511. To authorize the Governing Body of DeKalb County, Alabama to pay the sum of Two Thousand Five Hundred Dollars (\$2,500.00) to Richard Smith Adkins out of the General Fund of said County or out of such other funds as may be available for the payment of Deputy Sheriffs' salaries of DeKalb County, Alabama; as may be determined by the County Commission for medical expenses and other costs in connection with the injuries received by the said Richard Smith Adkins, while acting as Deputy Sheriff of DeKalb County, Alabama in the line of duty, in an automobile accident in DeKalb County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts	
Adams	Gilchrist	Mathews	Robison (Montgomery)	
Allen	Hammond	McCain	Robison (Pickens)	
Bentley	Horton	Nichols	Taylor	
Cooper	James	Oden	Tyson	
Dumas	Lolley	Reynolds	Wilson	
Eddins				—24

Nays:

—0

The Bill:

H. 415. To prescribe certain rules of procedure, pleading, and practice relating to the joinder of parties and the rendition of judgment in certain courts in Marion County, Alabama.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, to-wit:

COMMITTEE AMENDMENT TO H. B. 415

Amend H. B. 415 by adding to the end of Section 6 of said bill the following:

"As to personal actions, this Act shall be applicable only to those where the act or omission complained of took place in Marion County."

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Montgomery	Smith
Carter	Hornsby	Oden	Taylor
Clark			

—24

Nays:

—0

And said Bill as thus amended was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Hammond	McCain	Robison (Pickens)
Brannan	Hawkins	McDow	Shelton
Carter	Hornsby	Montgomery	Smith
Clark	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 273. To alter, rearrange and extend the boundary line of the City of Northport, in Tuscaloosa County, Alabama:

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	McCain	Robison (Montgomery)
Allen	Givhan	Montgomery	Smith
Bentley	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			—24

Nays:

—0

The Bill:

S. 276. Relating to Barbour County, relieving the board of registrars of the county from the duty of visiting precincts or voting places in the performance of their duties.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Montgomery	Smith
Carter	Hornsby	Nichols	Taylor
Clark			—24

Nays:

—0

The Bill:

S. 277. Relating to Barbour County; to regulate further the compensation of the board of registrars of the county.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Hammond	McCain	Robison (Pickens)
Brannan	Hawkins	McDow	Shelton
Carter	Hornsby	Montgomery	Smith
Clark	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			—24

Nays:

—0

The Bill:

S. 284. Relating to the municipality of Fort Payne in DeKalb County; to alter, re-arrange and extend the boundaries of the City of Fort Payne.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Reynolds
Adams	Gilchrist	Mathews	Roberts
Allen	Givhan	McCain	Robison (Montgomery)
Bentley	Hammond	McDow	Robison (Pickens)
Cooper	James	Nichols	Tyson
Dumas	Lolley	Oden	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 286. Relating to counties having populations of not less than 96,000 nor more than 106,000; authorizing certain teachers in the public schools who are over age seventy to be continued in service; and prescribing conditions for their continued employment.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Montgomery	Smith
Carter	Hornsby	Nichols	Wilson
Clark			

—24

Nays:

—0

The Bill:

H. 228. Relating to counties having populations of not less than 17,400 nor more than 17,800 inhabitants according to the 1960 or any subsequent federal decennial census; authorizing the county boards of education in such counties to retire teachers who have attained the age of sixty-five.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 441. To provide further for the compensation of the county or deputy solicitor in all counties having populations of not less than 17,400 nor more than 17,800, according to the last or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Montgomery	Smith
Carter	Hornsby	Nichols	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 536. Relating to counties having populations of not less than 17,400 nor more than 17,800; fixing the compensation of election officers in such counties.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Hammond	McCain	Robison (Pickens)
Brannon	Hawkins	McDow	Shelton
Carter	Hornsby	Montgomery	Smith
Clark	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 270. To alter, rearrange, extend, and redefine the boundaries and corporate limits of the city of Athens in Limestone County.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			—24

Nays:

—0

The Bill:

H. 171. To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in all counties having populations of not less than 500,000 according to the 1960 or any subsequent federal decennial census; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannon	Hawkins	Montgomery	Smith
Carter	Hornsby	Nichols	Tyson
Dumas			—24

Nays:

—0

The Bill:

S. 299. Relating to Greene County; authorizing the governing body of the county to provide clerk-hire allowances for certain county officers payable from county funds.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Hammond	Mathews	Robison (Pickens)
Brannon	Hawkins	McCain	Shelton
Carter	Hornsby	McDow	Smith
Clark	Horton	Montgomery	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			—24

Nays:

—0

The Bill:

S. 314. Relating to Blount County; to fix the time of opening and closing the polls in said county.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	Montgomery	Robison (Pickens)
Bentley	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			—24

Nays:

—0

The Bill:

S. 315. Relating to Choctaw County; authorizing the court of county commissioners to fix the salary of the first and second deputies sheriff; repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannon	Hawkins	Montgomery	Smith
Carter	Hornsby	Nichols	Taylor
Clark			—24

Nays:

—0

The Bill:

S. 317. To amend Section 1 of Act No. 126, Second Special Session 1963, relating to advisory elections in cities having populations of 200,000-300,000; prescribing the form of the statement of the question or proposition to be presented.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	Lolley	Reynolds
Brannon	Hammond	Mathews	Shelton
Carter	Hawkins	McDow	Smith
Clark	Hornsby	Montgomery	Taylor
Cooper	Horton	Nichols	Tyson
Dumas	James	Oden	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 367. To amend Act No. 161, adopted by the Alabama State Legislature on the 2nd day of August, 1957, which such Act is in substance as follows:

"To create and provide for the Water Works and Sewer Board of the City of Prichard (hereinafter referred to as the Board) a special fund to be known as 'The Water Works and Sewer Board Employees' Pension and Relief Fund'; to provide for the setting apart of such funds; to create a pension and relief system applicable to all permanent employees of such Board; to provide for the creation of such fund and for appropriation from the Board to make up any deficit therein; to provide how such funds shall be raised, acquired or gathered; to provide for the placement and handling of such funds; to provide for the hearing and determination of applications for pensions and relief hereunder, and for the drawing of warrants against said fund; to provide against such funds being subject to garnishment or levy or sale under execution or otherwise; to provide payment for disabled employees of the various departments of such Board during the term of such disability, and for the retirement of such members or employees on said pension, whether by reason of term of office or disability; to provide for the appropriation for funeral expenses upon the death of any employee of the Board; to provide for the examination by proper authorities of such members or employees in case of sickness or disability; to provide for gifts, donations, legacies to such fund and for the appointment of Trustees and for the creation of a Board of Pensions for all purposes in connection herewith. To provide penalties for the violation of the provisions of this act; and provide an effective date for this act; and to provide that the invalidity or unconstitutionality of any acts, provisions or other portion of this act shall not affect the validity of any other section, provision or other portion hereof."

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 290. To amend Act No. 107, adopted February 14, 1956, as amended by Act No. 155, adopted August 2, 1957, as amended by Act No. 455, approved September 6, 1957, such Act creating and providing for in the City of Prichard, Alabama, a special fund to be known as "The Municipal Employees Pension and Relief Fund"; to provide for the setting apart of such funds; to create a pension and relief system applicable to all permanent municipal employees of such city, and eligible widows of such permanent municipal employees and eligible children thereof, whether such employee be in active service or be retired under the terms hereof; to provide for the creation of such fund and for appropriation from such city to make up any deficit therein; to provide how such funds shall be raised, acquired or gathered; to provide for the placement and handling of such funds; to provide who shall hear and determine applications for pensions and relief hereunder, and for the drawing of warrants against said fund; to provide against such funds being subject to garnishment or levy or sale under execution or otherwise; to provide payment for disabled employees of the various departments of such city during the term of such disability, and for the retirement of such members or employees on said pension, whether by reason of term of office or disability; to provide for the appropriation for funeral expenses upon the death of any employee of such city; to provide for the examination by proper authorities of such members or employees in case of sickness or disability; to provide for gifts, donations, legacies or otherwise to be made to such fund and for the appointment of Trustees and for the creation of a Board of Pensions for all purposes in connection therewith. To provide penalties for the violation of the provisions of this Act; to provide an effective date for this Act; and to provide that the invalidity or unconstitutionality of any section, provision or other portion of this Act shall not affect the validity of any other section, provision or other portion hereof.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannon	Hawkins	Montgomery	Tyson
Carter	Hornsby	Oden	Wilson
Clark			

—24

Nays:

—0

The Bill:

S. 319. To amend Act No. 217, H. 275, Regular Session 1961 (Acts 1961, p. 244), entitled "An Act To provide for and prescribe the form of government of all cities having populations of not less than 30,000 nor more than 31,500."

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Smith
Bentley	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. McCain, further consideration of the Bill, H. B. 533, was indefinitely postponed.

On motion of Mr. Hornsby, further consideration of the Bill, H. B. 335, was indefinitely postponed.

BILLS ON THIRD READING RESUMED

The Bill:

H. 475. To amend further Section 3 of Act No. 162, Regular Session 1943 (Local Acts 1943, p. 78) to fix the expense allowance of the sheriff of Cherokee County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Oden
Adams	Gilchrist	Mathews	Roberts
Allen	Givhan	McCain	Robison (Montgomery)
Bentley	Hammond	McDow	Robison (Pickens)
Brannon	Hawkins	Montgomery	Shelton
Carter	Hornsby	Nichols	Smith
Clark			

—24

Nays:

—0

MOTION TO ADJOURN LOST

At 5:25 P. M., Mr. Carter moved that the Senate now adjourn until Friday, August 9, 1963, at 10 o'clock A. M., which motion was lost.

Yeas 13; Nays 15.

Yeas:

Messrs.	Hammond	Nichols	Shelton	
Carter	James	Oden	Taylor	
Clark	Mathews	Reynolds	Wilson	
Cooper	Montgomery			—13

Nays:

Messrs.	Eddins	Hornsby	McDow	
Adams	Evans	Horton	Robison (Montgomery)	
Bentley	Gilchrist	Lowe	Robison (Pickens)	
Brannon	Hawkins	McCain	Smith	—15

BILLS ON THIRD READING RESUMED

The Bill:

H. 497. To propose an amendment to the Constitution of Alabama relating to the costs and charges of courts, and the fees, commissions, percentages, allowances, and compensation of the officers of Marshall County.

Was read a third time at length as required by the Constitution and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Hammond	McCain	Robison (Pickens)	
Brannon	Hawkins	McDow	Shelton	
Carter	Hornsby	Montgomery	Smith	
Clark	Horton	Nichols	Taylor	
Cooper	James	Oden	Tyson	
Dumas	Lolley	Reynolds	Wilson	
Eddins				—24

Nays:

—0

The Bill:

H. 612. To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in Blount County; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Horton	Nichols	Smith
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 670. To amend further Section 8 of Act No. 872, H. 1118, Regular Session 1951 (Acts 1951, p. 1505) which act established the Board of Revenue and Control of Chilton County; providing for the nomination of each associate member by the authorized voters of the entire county.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannon	Hawkins	Montgomery	Smith
Carter	Hornsby	Reynolds	Taylor
Clark			

—24

Nays:

—0

The Bill:

S. 290. To provide for the feeding and care of certain county prisoners of Limestone County employed or used on the construction, repair, and maintenance of county roads and bridges, or other such road work; to provide uniforms for prisoners engaged in such road work; to prescribe the powers, duties, and authority of the sheriff and the board of revenue or like governing body of Limestone County, Alabama, in carrying out the provisions of this Act.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Hammond	Mathews	Robison (Pickens)
Brannon	Hawkins	McDow	Shelton
Carter	Hornsby	Montgomery	Smith
Clark	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 306. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 21, 22, 27 and 28, Township 16 North, Range 18 East, Montgomery County, Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Smith
Bentley	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			—24

Nays:

—0

The Bill:

H. 684. Proposing a constitutional amendment relating to Marion County.

Was read a third time at length as required by the Constitution and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Reynolds
Adams	Gilchrist	Mathews	Roberts
Allen	Givhan	McCain	Robison (Montgomery)
Bentley	Hammond	McDow	Robison (Pickens)
Brannon	Hawkins	Montgomery	Shelton
Carter	Hornsby	Oden	Smith
Clark			—24

Nays:

—0

The Bill:

S. 6. Proposing an amendment to the Constitution of Alabama authorizing the legislature to enact local or special laws applicable to Marshall County providing for juries composed of less than twelve members for trials of certain cases.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Hammond	Mathews	Robison (Montgomery)
Brannon	Hawkins	McDow	Shelton
Carter	Hornsby	Montgomery	Smith
Clark	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			—24

Nays:

—0

The Bill:

S. 291. Relating to municipalities having a mayor-council form of government; further regulating the election, compensation, powers and duties of the mayor in all cities having populations of not less than 70,000 nor more than 120,000 according to the 1960 or any subsequent federal decennial census, and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			—24

Nays:

—0

MOTION TO ADJOURN LOST

At 5:55 P. M., Mr. Cooper moved that the Senate now adjourn until Friday, August 6, 1963, at 10 o'clock A. M., which resulted in a tie vote.

Yeas 12; Nays 12.

Yeas:

Messrs.	Evans	James	Reynolds
Carter	Givhan	Lowe	Shelton
Cooper	Hammond	Montgomery	Tyson
Eddins			—12

Nays:

Messrs.	Hawkins	McCain	Robison (Montgomery)
Bentley	Hornsby	McDow	Robison (Pickens)
Dumas	Horton	Roberts	Smith
Gilchrist			—12

TIE VOTE

The President and Presiding Officer of the Senate voted "Nay", therefore the motion to adjourn was lost.

BILLS ON THIRD READING RESUMED

The Bill:

S. 78. To amend Sections 20 and 21 of Title 30, Code of Alabama (1940), which relate to the qualifications of persons on jury rolls.

was taken up.

Mr. McDow moved that further consideration of the Bill be postponed until the next Legislative Day.

Mr. Robison (Montgomery) moved that the motion to postpone be laid on the table, and the motion to table was lost.

Yeas 10; Nays 17.

Yeas:

Messrs.	Hawkins	McCain	Robison (Montgomery)
Bentley	Hornsby	Nichols	Tyson
Dumas	Horton	Roberts	—10

Nays:

Messrs.	Eddins	James	Reynolds
Adams	Evans	Lowe	Robison (Pickens)
Carter	Gilchrist	McDow	Shelton
Clark	Givhan	Montgomery	Smith
Cooper	Hammond		—17

Mr. Gilchrist moved that the Senate reconsider the vote by which the motion to table was lost.

The Bill:

H. 850. Relating to Pike County. To repeal Act No. 147 approved July 19, 1955, authorizing the Court of County Commissioners of Pike County to provide a clerk for the Deputy Solicitor for Pike County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Allen	Brannon	Clark
Adams	Bentley	Carter	Evans

Gilchrist	Lowe	Montgomery	Robison (Pickens)
Givhan	Mathews	Reynolds	Shelton
Hammond	McCain	Roberts	Smith
Hawkins	McDow	Robison (Montgomery)	Wilson
Hornsby			

—24

Nays:

—0

The Bill:

H. 617. To fix and regulate the payment of the compensation and expenses of members of the county board of education of every county which has a population of not less than 50,000 nor more than 54,000.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Eddins	Lolley	Reynolds
Adams	Hammond	McCain	Shelton
Brannon	Hawkins	McDow	Smith
Carter	Hornsby	Montgomery	Taylor
Clark	Horton	Nichols	Tyson
Cooper	James	Oden	Wilson
Dumas			

—24

Nays:

—0

The Bill:

H. 639. Relating to cities having a population of not less than 16,000, nor more than 26,000, according to the 1960 or any subsequent decennial census of the population of the United States; changing the method of electing, the designation of, and fixing the term of office of, members of the Board of Commissioners of any such city.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Reynolds
Adams	Gilchrist	Mathews	Roberts
Allen	Givhan	McCain	Robison (Montgomery)
Bentley	Horton	McDow	Robison (Pickens)
Cooper	James	Nichols	Tyson
Dumas	Lolley	Oden	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 641. Relating to counties having populations of not less than 65,000 nor more than 95,000; regulating and providing for the payment of compensation of certain county officers.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannon	Hawkins	Montgomery	Smith
Carter	Hornsby	Nichols	Taylor
Clark			

—24

Nays:

—0

The Bill:

S. 294. To make it lawful for any person, or persons, to use stationary fish traps with wooden fingers or slats not less than one and one-half inches apart for the purpose of taking or catching commercial or non-game fish in that part of any river that lies within counties in Alabama having a population not less than 65,000 nor more than 95,000 according to the last or any subsequent federal census; and to further regulate the operation of such traps.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Hammond	Mathews	Robison (Montgomery)
Brannon	Hawkins	McDow	Shelton
Carter	Hornsby	Montgomery	Smith
Clark	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

ADJOURNMENT

At 6:35 P. M., on motion of Mr. Clark, pending further consideration of S. B. 78, the Senate adjourned until Friday, August 9, 1963, at 10 o'clock A. M.

TWENTY-NINTH LEGISLATURE DAY

FRIDAY, AUGUST 9, 1963

The Senate met pursuant to adjournment, Lieutenant Governor Allen presiding.

PRAYER

The Session was opened with prayer by Honorable C. M. Wilson, Chaplain of the Senate.

ROLL CALL

Present:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	Metcalf	Shelton
Brannon	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	Horton	Oden	Tyson
Dumas	James	Reynolds	Wilson
Eddins	Lolley		

—33

JOURNAL

On motion of Mr. Nichols, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Cooper, leave of absence was granted Messrs. McDow and Carter for today.

REPORT OF COMMITTEE
ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

WILLIAM C. MCCAIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. McCain, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Eighth Legislative Day was approved by the Senate.

REPORT OF COMMITTEE ON
ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled

Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 243. Relating to Walker County; providing for and establishing a central purchasing system for the county, and for all officers, offices, departments, and instrumentalities of the county, including public hospitals but excluding the county board of education.

Also:

S. 282. To propose an amendment to the Constitution of Alabama to authorize the State to become indebted and issue its general obligation bonds in a principal amount not exceeding \$10,000,000 for the purpose of financing the construction and equipment of works of internal improvement for use and operation as a part of the State Docks facilities and providing for the retirement of all or any part of the revenue bonds heretofore issued by Alabama State Docks Department.

CHARLES A. MONTGOMERY,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Montgomery:

S. 408. Relating to Greene County; declaring motor vehicles, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting in the county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state conservation fund.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF GREENE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Greene County; declaring motor vehicles, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting in the county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state conservation fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Any means of conveyance, or any gun, rifle, ammunition or other hunting equipment which has been or is used for illegal nighttime hunting in Greene County shall be contraband, and, in the discretion of the circuit court of such county may be forfeited to the State of Alabama, as hereinafter provided.

Section 2. The sheriff or any other person authorized to enforce the game and fish laws of this state who apprehends any person hunting illegal in Greene County in the nighttime, or who finds any means of conveyance which is being or has been used in such illegal nighttime hunting shall seize such means of conveyance, and any gun, rifle, ammunition or other hunting equipment found in the possession of or on the person of such person or in or on such means of conveyance and shall report such seizure and the facts connected therewith to the solicitor or other prosecuting official in the county. The report shall contain a full description of the means of conveyance or other equipment seized and detained, the name of the person in whose possession it was found, the name of the person making claim to the same, or any interest therein, if the name is known or can be ascertained, the date of seizure, and a statement of the circumstances surrounding the seizing of the property.

Section 3. The solicitor or other prosecuting officer of the county upon receiving such report shall at once institute, or cause to be instituted, condemnation proceedings in the circuit court of Greene County in equity, in the same manner that he is directed by law to institute proceedings for the condemnation and forfeiture of automobiles and other vehicles used in the illegal transportation of alcoholic beverages. Except as herein otherwise provided, the procedures for the condemnation, forfeiture and sale of means of conveyance and hunting equipment under this Act shall be governed in all things by and shall conform to the law relative to proceedings for the condemnation, forfeiture, and sale of vehicles used in the illegal transportation of alcoholic beverages. Without limiting the generality of the foregoing sentence the provisions of Code of Alabama 1940, Title 29, Sections 248 and 249, shall apply to and govern all such proceedings.

Section 4. In order to condemn and confiscate any of the property set out in Section 1 it shall not be necessary for the solicitor or other prosecuting authority to prove possession of deer killed in the county while hunting in the nighttime or that the hunter be apprehended in the actual act of killing deer; but it shall be sufficient to prove possession upon the person or in or on the means of conveyance of a gun, rifle, ammunition and other equipment at such time and place and under such circumstances as would support a conviction for illegally hunting deer in the nighttime.

Section 5. The proceeds of the sale of any property condemned and forfeited to the state under authority of this Act, after payment of all expenses in the cause, including the cost of seizure and a keeping of the property pending the proceedings, shall be paid into the state treasury to the credit of the state conservation fund.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF GREENE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Richard K. Martin, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Greene County Democrat, a newspaper of general circulation published in Greene County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 11, July 18, July 25, and August 1, all in the year 1963.

RICHARD K. MARTIN,

Sworn to and subscribed before me August 5, 1963.

GENEVA L. MATTISON,
Title Notary Public.

By Mr. Montgomery:

S. 409. Relating to Greene County; authorizing and empowering the Court of County Commissioners of Greene County, or other like governing body of the county, to authorize the Sheriff of Greene County to appoint one deputy sheriff in addition to the number of deputys sheriff now authorized by law; empowering the governing body of the county to fix the compensation of such additional deputy within specified limits and providing for the payment thereof.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF GREENE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Greene County; authorizing and empowering the Court of County Commissioners of Greene County, or other like governing

body of the county, to authorize the Sheriff of Greene County to appoint one deputy sheriff in addition to the number of deputys sheriff now authorized by law; empowering the governing body of the county to fix the compensation of such additional deputy within specified limits, and providing for the payment thereof.

Be It Enacted by the Legislature of Alabama:

1. The Court of County Commissioners of Greene County, or other like governing body of the county, is hereby authorized and empowered to authorize the Sheriff of Greene County to appoint one deputy sheriff in addition to the number of deputys sheriff now authorized by law, which additional deputy sheriff shall hold office at the pleasure of the Sheriff of Greene County.

2. Such additional deputy sheriff shall be paid as compensation not less than Two Thousand, Four Hundred (\$2,400.00) Dollars per annum, nor more than Four Thousand, Eight Hundred (\$4,800.00) Dollars per annum, to be paid in twelve equal monthly installments out of the general funds of Greene County, as determined by the governing body of Greene County. Such additional deputy sheriff shall be eligible to perform the duties of deputy sheriff anywhere in Greene County.

3. All laws or parts of laws which conflict herewith are hereby repealed.

4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

**STATE OF ALABAMA
COUNTY OF GREENE**

Before me, the undersigned authority in and for said County in said State, this day personally appeared Richard K. Martin, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Greene County Democrat, a newspaper of general circulation published in Greene County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 11, July 18, July 25, and August 1, all in the year 1963.

RICHARD K. MARTIN,

Sworn to and subscribed before me August 5, 1963.

GENEVA L. MATTISON,
Title Notary Public.

By Mr. Roberts:

S. 410. Relating to Madison County; amending Act No. 661, H. 1077, Regular Session 1957, the act creating Madison County Court (Acts 1957, V. 2, p. 1003), in relation to the jurisdiction of the court, the compensation of the judge, and the amount of trial fees imposed in civil cases.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MADISON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Madison County; amending Act No. 661, H. 1077, Regular Session 1957, the act creating Madison County Court (Acts 1957, V. 2, p. 1003), in relation to the jurisdiction of the court, the compensation of the judge, and the amount of trial fees imposed in civil cases.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 661, H. 1077, Regular Session 1957, an act creating the Madison County Court (Acts 1957, v. 2, p. 1003) is hereby amended to read as follows:

"Section 1. There is hereby created and established in and for the County of Madison, State of Alabama, a court which shall be known and called the Madison County Court. The court is hereby invested with and shall have and exercise final jurisdiction of the following offenses when committed in Madison County; Violations of Sunday, vagrancy, assaults, assaults and batteries, and affrays in which no stick or other weapon is used; when the value of the commodity does not exceed ten dollars of larceny, whether at common law or by statute, of embezzlement and receiving stolen or embezzled goods, knowing them to be stolen or embezzled; for failure to work on the public road after legal notice; of offenses for cruelty to animals; of public drunkenness; and of any and all other misdemeanors of which justices of the peace have final jurisdiction under the general law, including violations of traffic laws, rules of the road and all other offenses triable in justice of the peace courts or courts of like jurisdiction under the provisions of Title 36, Code of Alabama, 1940, and any amendments or additions thereto. The court shall also have jurisdiction concurrently with the circuit court of all misdemeanors not herein specifically named. The court shall have preliminary jurisdiction of all felonies committed in the county, and shall have jurisdiction of bastardy and peace proceedings. All jurisdiction of justices of the peace and notaries ex officio justices of the peace in criminal and quasi-criminal cases heretofore granted to and conferred upon them by law, as to Madison County, is hereby revoked. The Madison County Court shall also be invested with and shall have and exercise jurisdiction in all civil cases at law when the matter or sum in controversy does not exceed one thousand dollars (\$1,000) and of all other civil cases of which justices of the peace have jurisdiction under the general law.

"The Madison County Court shall not be a court of record, but it shall have a seal of office. The court shall not draw or impanel juries. When the defendant demands trial by jury in any criminal case is such court the case shall immediately be transferred to the Circuit Court of Madison County in the same manner prescribed by Section 424 of Title 13, Code of Alabama, 1940, for the transfer of

cases in which trial by a jury is demanded in a justice of the peace court. Upon the transfer of any case to the circuit court for trial by jury, the solicitor shall make, sign, and file a brief statement of the cause of complaint in substantially the form prescribed in Section 363 of Title 15, Code of Alabama 1940, and the case shall then proceed to a jury trial in the circuit court without any indictment or presentment by the grand jury.

"Any case pending in the court of any justice of the peace of Madison County or in the Inferior Court of Huntsville when this Act becomes effective may be transferred to the Madison County Court, hereby established, for further prosecution. Any case so transferred shall be proceeded upon as if originally instituted in such courts."

Section 2. Section 3 of said Act No. 661 of 1957 is amended to read as follows:

"Section 3. The judge of said court shall receive a salary of ten thousand dollars (\$10,000) per annum, payable monthly out of the county treasury, upon his warrant drawn upon the county treasurer or proper custodian of county funds. The judge of said court, before entering upon the duties of said office, shall take the oath of office in form required by law to be taken by judges of the circuit courts of Alabama, which shall be recorded in the office of the Probate Judge of Madison County, and a commission shall be issued to him as provided by him in obtaining his judgment in the same manner that circuit office for the causes and in the manner now provided by law for the removal of judges of the circuit court. The judge of said court may punish for criminal contempt in cases where the judges of the circuit court can punish for contempt, by fine not exceeding fifty dollars and by imprisonment in the county jail for not exceeding five days, one or both at the discretion of the said judge. The said judge shall have the right to take the affidavits and to issue and sign in his name any process or other paper of said court, and he is hereby specifically authorized to issue warrants of arrest in any case of which the Madison County Court has preliminary jurisdiction.

Section 3. Section 4 of said Act No. 661 of 1957 is hereby amended to read as follows:

"Section 4. The said court shall have a chief clerk who shall issue all civil process of said court, approve civil bonds, keep dockets of the proceedings of said court, both civil and criminal, and certify all appeals and certioraries, collect all monies due the court, and his duties shall be, generally, those performed by clerks of the county court. When execution against the defendant is returned 'no property found,' the chief clerk shall issue execution against the plaintiff for all costs created by him in obtaining his judgment in the same manner that circuit clerks issue executions in such cases. The same fees and costs allowed by law in civil cases to justices of the peace, constables, sheriffs and witnesses for services in justice of the peace courts shall be taxed and collected in each civil case in the Madison County Court. In addition thereto, there shall be taxed and collected for the use of the county in each civil case docketed a trial fee of one dollar and fifty cents (\$1.50). Provided, however, that in each civil case docketed where the amount in controversy is more than two hundred fifty dollars (\$250), the trial fee shall be five dollars (\$5.00). The same fees and costs authorized by law to be taxed in justice of the peace courts or courts in lieu of justices in the State shall be taxed and collected in each criminal case tried or plea of guilty entered in said court. In addition thereto, there shall be taxed and collected for the use of the county in each criminal case docketed a trial fee of one dollar and fifty cents (\$1.50). All costs, fees,

finest and forfeitures collected for the county shall be paid monthly by the chief clerk to the county treasurer or other proper custodian. All fines, forfeitures and other monies collected by the chief clerk for the State of Alabama shall be paid monthly by such chief clerk to the state treasurer or other proper custodian. The costs and fees accruing to sheriffs, constables, witnesses, and justices of the peace and other monies collected shall be paid direct to those entitled to receive same. The said chief clerk shall give bond before he enters upon his duties with good and sufficient sureties thereon, in the penal sum of five thousand dollars, payable to the State of Alabama, and conditioned to faithfully discharge the duties of such office, and to pay all monies to the proper authorities and persons to whom they are due, and to faithfully account for all monies coming into his hands by virtue of his office, which bond shall be approved by the chairman of the board of county commissioners or like governing body of the county, and together with his oath of office, shall be filed in the office of the probate judge of Madison County."

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MADISON

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. C. Lewis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Secretary-Treasurer of the Huntsville Times, a newspaper of general circulation published in Madison County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 17, July 24, July 31, and August 7, all in the year 1963.

W. C. LEWIS,
Secretary-Treasurer.

Sworn to and subscribed before me August 7, 1963.

OPAL H. DILWORTH,
Title Notary Public.

By Mr. Roberts:

S. 411. Relating to the twenty-third judicial circuit; providing for appointment of an additional clerk by the circuit solicitor.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MADISON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to the twenty-third judicial circuit; providing for appointment of an additional clerk by the circuit solicitor.

Be It Enacted by the Legislature of Alabama:

Section 1. The circuit solicitor of the twenty-third judicial circuit of Alabama may appoint a clerk in addition to his chief clerk as authorized by Act No. 470, H. 899, Regular Session 1947, whose compensation shall be paid from the general funds of Madison County in the amount of three thousand dollars per annum, payable in equal installments as the salaries of county officers are paid. Such clerks shall be appointed by the solicitor to serve at his pleasure and shall perform such duties as the circuit solicitor may prescribe.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MADISON

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. C. Lewis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Secretary-Treasurer of the Huntsville Times, a newspaper of general circulation published in Madison County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 17, July 24, July 31, and August 7, all in the year 1963.

W. C. LEWIS,
Secretary-Treasurer.

Sworn to and subscribed before me August 7, 1963.

OPAL H. DILWORTH,
Title Notary Public.

By Mr. Roberts:

S. 412. To authorize and provide for the establishment, maintenance, equipping, operation, and financing of a public law library in Madison County; and to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within the county.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MADISON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize and provide for the establishment, maintenance, equipping, operation, and financing of a public law library in Madison County; and to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In each civil or quasi-civil action at law, suit in equity, criminal case, quasi-criminal case, proceeding on a forfeited bail bond, or proceeding on a forfeited bond given in connection with an appeal from a judgment of conviction in any inferior or municipal court to the circuit court, hereafter filed in, arising in, or brought by appeal, certiorari, or otherwise to the circuit court of Madison County, there shall be taxed as costs the sum of One Dollar (\$1.00). In each criminal case hereafter filed in any statutory inferior court in Madison County, there shall be taxed as costs the sum of Fifty Cents (.50c). In each civil case hereafter filed in any statutory inferior court in Madison County, there shall be taxed as costs the sum of Thirty-five cents (.35c). The costs taxed under this Act shall be collected as other costs in such cases are collected, and when collected by the clerks or other collecting officers of such courts (including the register of the circuit court) shall be by them paid over to the treasurer or depository of Madison County for deposit in the county treasury. The sums so paid over to the county treasurer or depository shall be maintained in a separate fund in the county treasury, designated as the Madison County law library fund, and shall be expended by the presiding judge of the circuit court of Madison County for establishing, maintaining, equipping, and operating a law library in the courthouse at Huntsville. The presiding judge of the circuit court shall draw warrants on the county treasury in making expenditures for the purposes contemplated in this Act, and shall indicate on the warrants the fund against which the warrants are drawn. The said items of cost above referred to shall be designated as law library fee, and when any part of the costs in a case have been paid, the amount necessary for the payment of said fee shall be applied there-to before applying any of the amount paid as costs to any other items of costs. On or before the tenth day of each month, the clerks or other collecting officers of the respective courts (including the register of the circuit court) shall pay over to the county treasurer or depository all amounts collected as law library fees previously to the first day of the month. The management of the law library is vested in the presiding judge of the circuit court of Madison County. All books or other property purchased with the funds produced by this Act shall be the property of Madison County.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing the Legislature to fix, alter, and regulate the costs and charges of courts in Madison County, and the method of disbursement thereof.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MADISON

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. C. Lewis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Secretary-Treasurer of the Huntsville Times, a newspaper of general circulation published in Madison County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 17, July 24, July 31, and August 7, all in the year 1963.

W. C. LEWIS,
Secretary-Treasurer.

Sworn to and subscribed before me August 7, 1963.

OPAL H. DILWORTH,
Title Notary Public.

By Mr. Roberts:

S. 413. To amend Act No. 401, H. 838, Regular Session 1949, an act authorizing the board of registrars of Madison County to employ a full time clerk (Acts of Alabama, Regular Session 1949, p. 573.)

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill in substance as follows will be introduced in the regular or next special session of the Legislature of the State of Alabama and application will be made for its passage and approval.

A BILL TO BE ENTITLED AN ACT

To amend Act No. 401, H. 838, Regular Session 1949, an act authorizing the board of registrars of Madison County to employ a full time clerk (Acts of Alabama, Regular Session 1949, p. 573.)

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1-4 of Act No. 401, H. 838, Regular Session 1949, an act authorizing the board of registrars of Madison County to employ a full time clerk (Acts of Alabama, Regular Session 1949, p. 573), are hereby amended to read as follows:

"Section 1. The Board of registrars of Madison County is authorized to employ a clerk and an assistant clerk, subject to the approval of the board of county commissioners of Madison County, Alabama. The duties of the clerk and assistant shall be to submit to the board revised lists of registered electors of the county by placing the names of all persons in their proper ward, precinct or district, and eliminating therefrom the names of all deceased, insane, non-resident and fictitious persons, and those convicted of disqualifying crimes.

"Section 2. The qualifications of the clerk and assistant provided for here shall be: Graduation from high school, the ability to type, clerical experience including experience in keeping of records, or graduation from college.

"Section 3. The board of county commissioners shall be authorized to furnish to the board of registrars all the supplies and equipment, including filing cabinets, for card files, stationery and stamps, necessary for the use of the clerks in the performance of their duties.

"Section 4. The clerks provided for herein shall be paid a salary out of the county treasury of not less than two hundred dollars per month, the exact amount to be fixed by the board of county commissioners."

Section 2. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MADISON

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. C. Lewis, who, being by me first duly sworn, deposes and says that during the time herein mentioned he was Secretary-Treasurer of the Huntsville Times, a newspaper of general circulation published in Madison County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 17, July 24, July 31, and August 7, all in the year 1963.

W. C. LEWIS,
Secretary-Treasurer.

Sworn to and subscribed before me August 7, 1963.

OPAL H. DILWORTH,
Title Notary Public.

By Mr. Roberts:

S. 414. To amend further Act No. 476, H. 627, Regular Session 1955, an act creating the office of deputy circuit solicitor in the twenty-third judicial circuit, in relation to the compensation of the deputy solicitors payable by the county.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MADISON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend further Act No. 476, H. 627, Regular Session 1955, an act creating the office of deputy circuit solicitor in the twenty-third judicial circuit, in relation to the compensation of the deputy solicitors payable by the county.

Be It Enacted by the Legislature of Alabama:

Section 3 of Act No. 476, H. 627, Regular Session 1955 (Acts 1955, p. 1084) an act creating the office of deputy circuit solicitor in the twenty-third judicial circuit, as amended, is amended further to read as follows:

"Section 3. Each deputy circuit solicitor of the twenty-third judicial circuit shall be paid by the State of Alabama an annual salary of forty-two hundred dollars (\$4,200), payable as the salaries of other state officers. The chief deputy circuit solicitor shall be paid by Madison County an additional sum as compensation in the amount of not less than three thousand dollars nor more than four thousand three hundred dollars per annum, and the second deputy circuit solicitor shall be paid as additional compensation by the county an amount of not less than one thousand eight hundred dollars nor more than three thousand dollars per annum. The compensation of the deputy circuit solicitors payable by the county shall be paid from the general funds of the county in equal installments as the salaries of county officers are paid. The exact amount of the additional compensation payable by the county provided for herein shall be fixed and determined by the court of county commissioners, board of revenue, or other like governing body of the county."

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MADISON

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. C. Lewis, who, being by me first duly sworn, deposes and says that during the time herein mentioned he was Secretary-Treasurer of the Huntsville Times, a newspaper of general circulation published in Madison County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 17, July 24, July 31, and August 7, all in the year 1963.

W. C. LEWIS,
Secretary-Treasurer.

Sworn to and subscribed before me August 7, 1963.

OPAL H. DILWORTH,
Title Notary Public.

By Mr. Roberts:

S. 415. To amend Section 1 of Act No. 501, S. 399, Regular Session 1957, an act relating to Madison County.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MADISON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 1 of Act No. 501, S. 399, Regular Session 1957, an act relating to Madison County.

Be It Enacted by the Legislature of Alabama:

Section 1 of Act No. 501, S. 399, Regular Session 1957, an act relating to Madison County, is hereby amended to read as follows:

"Section 1. The judge of probate of Madison County shall receive an annual salary of fifteen thousand dollars (\$15,000) in lieu of all other compensation provided by law."

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MADISON

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. C. Lewis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Secretary-Treasurer of the Huntsville Times, a newspaper of general circulation published in Madison County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 17, July 24, July 31, and August 7, all in the year 1963.

W. C. LEWIS,
Secretary-Treasurer.

Sworn to and subscribed before me August 7, 1963.

OPAL H. DILWORTH,
Title Notary Public.

By Mr. Roberts:

S. 416. Relating to counties having populations of not less than 110,000 nor more than 160,000; creating an educational survey committee to study, evaluate and make recommendations to the boards of education of such counties for improvements in the public school systems of the county; and making appropriations.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given in accordance with Section 106 of the constitution of Alabama 1901, that application will be made at the current session of the legislature of Alabama for enactment of a local law affecting Madison County and the City of Huntsville, in substance as follows:

An act to create, provide for and establish an educational survey committee to study, evaluate and make recommendations for improvements in the public school systems of the county; to define, prescribe and fix the duties, powers and authority of the committee; to provide for appointment of an executive secretary of the committee and to provide for the employment or engagement of experts and professional assistance as necessary; to provide for appropriation of funds by the county and the city of Huntsville to aid in effectuating the purposes of the act; to provide for committee reports; and to fix the time within which the committee shall make a final report.

STATE OF ALABAMA
COUNTY OF MADISON

Before me, Opal H. Dilworth, a Notary Public in and for said State and County, personally appeared W. C. Lewis, known to me, who being by me first duly sworn, deposes and says he is Secretary-Treasurer of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on July 19, 26, August 2 and 9, 1963.

W. C. LEWIS,
Secretary-Treasurer.

Sworn to and subscribed before me this the 9 day of August, 1963.

OPAL H. DILWORTH,
Title Notary Public.
My commission expires April 10, 1967.

By Mr. Allen:

S. 417. To amend Section 7 of Act No. 13, H. 5, First Special Session 1955 (Acts 1955, p. 37) an act relating to the reorganization of the government of Cullman County, so as to provide for the employment of a highway superintendent II in the county.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF CULLMAN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 7 of Act No. 13, H. 5, First Special Session 1955 (Acts 1955, p. 37), an act relating to the re-organization of the government of Cullman County, so as to provide for the employment of a highway superintendent II in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 13, H. 5, First Special Session 1955 (Acts 1955, p. 37, an act relating to the reorganization of the government of Cullman County, is hereby amended to read as follows:

"Section 7. All persons employed by the State Highway Department in the administration of this Act shall be employed subject to the State Merit System Act. Provided, however, that after September 1, 1963, at least one person shall be employed in Cullman County by the department in the merit system classification of highway superintendent II. Any resident of Cullman County who is on the register of eligibles established by the personnel director for the position of highway superintendent II shall be given preference over every other person whose name appears on the register."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CULLMAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Robert Bryan, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Cullman Times, a newspaper of general circulation published in Cullman County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 10, July 17, July 24, and July 31, all in the year 1963.

ROBERT BRYAN,

Sworn to and subscribed before me August 1, 1963.

COLLEEN BUCHANAN,

Title Notary Public.

My Commission Expires Nov. 7, 1964.

By Mr. Allen:

S. 418. To amend Code of Alabama 1940, Title 31, Section 29, which relates to liens for rent of buildings.

Committee on Judiciary.

By Mr. Allen:

S. 419. To provide for the appointment of custodians for the state highway shops and garages located in counties having populations of not less than 14,400 nor more than 14,900, according to the 1960 or any subsequent federal decennial census.

Committee on Local Legislation.

By Mr. Reynolds:

S. 420. Relating to insurance, providing that certain policies shall be non-cancellable.

Committee on Insurance.

By Mr. Oden:

S. 421. To make an appropriation from the Alabama special educational trust fund for the construction of a vocational building at the Reedtown High School.

Committee on Finance and Taxation.

By Mr. Oden:

S. 422. To amend further Section 2 of Act No. 669, H. 792, Regular Session 1939 (Acts 1939, p. 1064), known as the Alabama Motor Carrier Act of 1939.

Committee on Public Roads and Highways.

By Mr. Wilson:

S. 423. Relating to Walker County; abolishing the Law and Equity Court of Walker County and establishing in lieu thereof The Intermediate Court of Walker County; defining the court's jurisdiction and powers; providing for its officers, and their powers, duties and compensation; providing for the holding of the terms and sessions of the court; providing for the rules and procedure of the court; and providing for the transfer of all cases pending in the Law and Equity Court of Walker County to the Intermediate Court of Walker County, Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

**STATE OF ALABAMA
COUNTY OF WALKER**

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Walker County; abolishing the Law and Equity Court of Walker County and establishing in lieu thereof The Intermediate Court of Walker County; defining the court's jurisdiction and powers; providing for its officers, and their powers, duties and compensation; providing for the holding of the terms and sessions of the court; providing for the rules and procedure of the court; and providing for the transfer of all cases pending in the Law and Equity Court of Walker County to the Intermediate Court of Walker County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established in and for Walker County the Intermediate Court of Walker County. The court shall be in lieu of the Law and Equity Court of Walker County which is hereby abolished.

Section 2. The Intermediate Court of Walker County shall have the following power, authority, and jurisdiction:

(a) All power, authority and jurisdiction which was by law vested in the court hereby abolished and which is now, or hereafter may be, conferred on or hereafter may be, conferred on or vested in county courts under the general laws of this State.

(b) All power, authority, and jurisdiction which is now, or which hereafter may be, conferred on or vested in the juvenile court of Walker County.

(c) That the court hereby established shall be a court of Record and have and exercise civil jurisdiction in all civil matters of which justices of the peace and inferior courts in lieu of justices of the peace have jurisdiction under the general laws of the state, concurrently with the several justices of the peace and inferior courts in Walker County, and in addition thereto the said courts in Walker County, and, in addition thereto the said court shall have jurisdiction concurrently with the circuit court in all civil cases where the amount in controversy exceeds the jurisdiction of justices of the peace, but not exceed the sum of One Thousand Dollars (\$1,000), provided that where the action is in detinue in which the plaintiff seeks to recover on a chattel mortgage or on a conditional sale contract, the amount in controversy shall for the purpose of determining jurisdiction be the balance of the mortgage debt or purchase price as the case may be or the value of the property in suit, whichever may be less. Said court shall also have jurisdiction of proceedings for discovery of assets of judgment debtors which it shall exercise in the same manner and according to the same procedure and with the same powers provided by law with respect to civil judgments in Circuit Courts.

(d) Jurisdiction concurrent with the circuit court relating to the custody of children in cases of voluntary separation of husband and wife, which are now, or which hereafter may be vested in the circuit court under the provisions of Section 79, Title 34, Code of Alabama 1940. All power, authority, and jurisdiction relating to domestic relations which is now vested in the Law and Equity Court of Walker County or which hereafter may be conferred on or vested in the probate courts or which is conferred on or vested in the probate courts under the provisions of Article 3 of Chapter 4 of Title 34, Code of Alabama, 1940,

or any other laws relating to the duties of a husband toward his wife or any parents toward their children and the Intermediate Court shall have all the power, authority and jurisdiction conferred on or vested in the probate courts under the provisions of Chapter 7 of Title 13, or any other laws relating to juvenile delinquents, probation officers, wards of the State, and dependent children.

(e) Jurisdiction concurrent with the circuit court of Walker County of all misdemeanors committed in the county.

(f) Jurisdiction concurrent with the circuit court of Walker County in all matters pertaining to habeas corpus proceedings instituted in Walker County, and in all matters pertaining to divorce proceedings held under the provisions of Chapter 2 of Title 34, Code of Alabama 1940.

Section 3. The judge of The Intermediate Court of Walker County shall be elected at the general election to be held in November, 1966, and every six years thereafter. He shall hold office for a term of six years from the first Monday after the second Tuesday in January next following his election, and until his successor shall have been elected and qualified. He shall be a resident and qualified elector of Walker County, shall be a person learned in the law, and shall have been admitted to the practice of law in the State of Alabama. He shall receive a salary of nine thousand five hundred dollars (\$9,500) per annum, payable as a preferred claim in equal monthly installments out of the general fund of the county, which shall be in lieu of all other compensation heretofore provided by law. The judge of the intermediate court may be impeached or removed from office on the same grounds and in the same manner that the judges of county courts may be impeached or removed under the general laws of this State.

Section 4. The duly elected judge of the law and equity court of Walker County as constituted prior to the passage of this act, shall serve as judge of the Intermediate Court of Walker County as constituted by this act until his successor shall be elected and qualified in accordance with Section 3 of this act.

Section 5. The judge of the Intermediate Court of Walker County shall have the power and authority to administer oaths and take acknowledgments to conveyances and affidavits in all cases in which such oaths, acknowledgements, and affidavits required by law, and to solemnize the rites of matrimony. He shall have and exercise the power and authority which is now, or which hereafter may be, conferred on or vested in the judges of county courts under the general laws of this State, or which is conferred on or vested in the judge of the Law and Equity Court of Walker County.

Section 6. The Intermediate Court of Walker County shall be held at the courthouse in Walker County and shall be open at all times for the transaction of business. The judge of such court shall keep an office in the courthouse which office shall be provided by Walker County. The judge of The Intermediate Court of Walker County may fix the time for holding the sessions of the court for the trial of all cases, civil, criminal or equity.

Section 7. In all matters of controversy in which the Intermediate Court is given equity jurisdiction concurrent with the circuit court under the provisions of this act, such matters shall be tried and determined in the same manner and under the same rules of practice and procedure as govern the circuit courts under the general laws of this State, and the Intermediate Court shall have the power and authority to enforce its orders, judgments, and decrees in such cases in the same manner as

the circuit courts under the general laws of this State. In all other cases, practice and procedure in the Intermediate Court of Walker County shall conform to, and shall be governed by, the rules of practice and procedure which apply in county courts under the general laws of this State, except civil cases which shall also be governed by Section 19 of this Act.

Section 8. In all cases in which the intermediate court of Walker County exercises equity jurisdiction concurrent with the circuit court under the provisions of this act, appeals from any order, judgment, or decree of the intermediate court may be taken to the supreme court and the court of appeals in the same manner, on the same grounds, and within the same times as such appeals may be taken from any order, judgment, or decree of the circuit court.

Section 9. Except as may otherwise be provided herein, the judge of the intermediate court of Walker County shall determine what papers connected with any proceedings before him shall be recorded.

Section 10. The sheriff of Walker County shall in person or by a deputy, or deputies, appointed by him subject to the approval by the judge of the court, be required to attend upon the intermediate court and preserve order. He shall execute all writs of process and perform such other duties in this court in all respects as in the circuit courts of this State.

Section 11. In lieu of the office of solicitor of the Walker County Law and Equity Court, which is hereby abolished, there is hereby created the office of the solicitor of the Intermediate Court of Walker County. The duly elected solicitor of the county court of Walker County as that office was constituted prior to the passage of this act shall serve as solicitor of the Intermediate Court of Walker County as that office is constituted by this act until his successor shall be elected and qualified in accordance with this act. A solicitor shall be elected at the general election to be held in November, 1964, and every four years thereafter. He shall hold office for a term of four years from the first Monday after the second Tuesday in January, next following his election and until his successor shall have been elected and qualified. He shall be learned in law and licensed to practice law under the laws of Alabama, and must be a citizen and a qualified elector of Walker County.

It shall be the duty of the solicitor of the Intermediate Court of Walker County to represent the State in all criminal and quasi-criminal cases in such court; to prosecute all criminal cases arising from indictments transferred to such court; to represent the State in preliminary proceedings in felony cases and habeas corpus proceedings in felony cases and habeas corpus proceedings brought before such court; and to perform the duties imposed on deputy solicitors as provided in Section 256 of Title 13 of the 1940 Code of Alabama. The solicitor is hereby empowered to administer the oath to any one making complaint and to issue warrants of arrest for the offenses committed in Walker County in violation of Section 90, Title 34 of the 1940 Code of Alabama; to perform the duties now imposed on circuit solicitors and deputy solicitors as provided in Article 7 of Chapter 4, Title 13 of the 1940 Code of Alabama where such offenses occur and duties arise in Walker County; and in the circuit court of such county, and to issue subpoenas to the witnesses to attend the grand jury of the county; to reduce the number of State's witnesses in the Intermediate Court of Walker County to be summoned, to not more than two to prove the same fact; to assist the coroner of Walker County in holding inquests and assembling evidence to be presented to the grand jury; to represent the

State of Alabama in all juvenile matters brought before the intermediate court; to represent the State and the county in application to the court of probate for orders of condemnation of lands in Walker County for public uses under the right of eminent domain; and to give written opinions to and to represent the board of finance and control or like governing body of Walker County, in all legal proceedings when requested to do so by such board of finance and control or other governing body. It shall be the additional duty of the solicitor of the intermediate court to represent the board of registrars of Walker County in all acts brought against them by any person seeking to appeal any decision of the board of registrars.

The salary of the solicitor of the Intermediate Court is hereby fixed at the sum of forty-eight hundred dollars (\$4800.00) per annum, which shall be payable out of the county treasury of Walker County in twelve equal monthly installments on the last day of each month upon a warrant drawn upon the treasurer of the county by the chairman of the board of finance and control, or other like governing body of Walker County.

Section 12. The clerk of the circuit court of Walker County shall be ex officio clerk of the Intermediate Court of Walker County. As clerk of the intermediate court, he shall have the same power, jurisdiction, and authority and shall perform the same duties as may be conferred on, vested in, or required of the clerks of county courts, circuit courts under the general laws of the State, or conferred on, vested in, or required of the clerk of the Intermediate Court of Walker County under the provisions of this act. The clerk of the intermediate court shall receive the same fees and compensation as allowed by law to clerks of the county courts in criminal cases, to be payable in the same manner.

Section 13. The clerk of the Intermediate Court of Walker County shall be ex officio register of the intermediate court, and in all matters in equity in the intermediate court he shall have the same power, jurisdiction, and authority and shall perform the same duties, including the taking of decrees pro confesso and holding references, as may be conferred on, vested in, or required of the register of the circuit court of Walker County in such cases.

Section 14. The clerk of the Intermediate Court of Walker County shall have the same power and authority and shall perform the same duties which are now, or which hereafter may be, conferred on, vested in, or required of the clerk of the juvenile and domestic relations court of Walker County, and the clerk of the juvenile and domestic relations court of Walker County is hereby relieved of such power and authority and the performance of such duties.

Section 15. The judge of The Intermediate Court of Walker County may employ a stenographic secretary, who shall receive a salary of twenty-four hundred (\$2,400.00) a year, payable in equal monthly installments out of the treasury of Walker County in the same manner as the salaries of other county employees are paid. The stenographic secretary provided for herein shall be appointed by the judge of the Intermediate Court of Walker County and shall serve at his pleasure.

Section 16. In all criminal cases resulting in conviction in the Intermediate Court of Walker County the defendant shall have the right of appeal to the circuit court of Walker County on entering into bond, with sufficient surety, to appear at the term of the court to which the appeal is taken, and from term to term until discharged; the bond to be in such penalty as the judge of the said Intermediate Court of

Walker County may prescribe, and to be approved by the judge or clerk of said court. If the defendant does not make the bond required he shall remain in custody and said defendant may, within ten days after taking said appeal, demand in said circuit court, in writing, a trial by jury; otherwise, said case shall be tried by the court without a jury. All appeals must be taken within 30 days of conviction and no appeal shall be taken after defendant has accepted judgment of the court by paying any fine adjudged.

Section 17. All criminal, equity, juvenile, or domestic relations cases pending in the Law and Equity Court of Walker County as constituted prior to the passage of this act shall be transferred to the Intermediate Court of Walker County as constituted by this act and in all cases in which the judge of the Law and Equity Court of Walker County as constituted prior to the passage of this act had continuing authority said authority shall be continued in The Intermediate Court of Walker County as constituted by this act.

Section 18. That the judge of this court shall have power to punish for contempt in all cases where judges of the Circuit Courts of this State can punish for contempt, by fine not exceeding \$50.00 and by imprisonment not exceeding five days, either or both.

Section 19. That the practice, procedure, judgments and records in this court shall conform to and be governed by the laws applicable to practice and procedure in justice of the peace courts insofar as applicable and except as otherwise provided in this act. All judgments required to be signed shall be signed by the judge. Judgments and the records thereof shall not be required to be more formal than those in courts of justice of the peace and shall be governed by the same laws as judgments in the courts of justices of the peace. Every intendment is in favor to the sufficiency and validity of proceedings in this court, when brought in question either directly or collaterally in any of the courts of this state where it appears on the face of the proceedings that the court had jurisdiction of the subject matter and the parties.

Section 20. That the owner of any judgment of this court may file a certificate of same in the office of the judge of probate under the same procedure and in the same manner as is now or may hereafter be provided for filing certificates of judgments rendered in the Circuit Court, which judgments when so registered shall be a lien on all property of the defendant subject to levy and sale under execution and such lien shall continue for six years from the date of registration shall be notice to all persons of the existence of a lien and during said period executions or other process to enforce collection of said judgments may issue.

Section 21. That the judge of the court shall make any and all necessary rules for the conduct of the court and the officers thereof, for the filing and trying of cases, for the distribution and service of the processes of the court and generally with respect to the duties of the various officers of the court in their relations to the court, the authority herein specifically granted not to be construed as limiting authority generally and usually exercised by the judges in making and enforcing rules of court.

Section 22. That all civil cases in said court shall be tried by the judge of said court without the intervention of a jury, the judge determining both the law and facts and any party shall have the right to appeal to the Circuit Court within five days from entry of judgment and on appeal either party may demand a trial by jury under the

same rules as are provided by law for demand of jury trials in cases of appeal from judgments of justices of the peace and the trial in said Circuit Court shall be de novo and according to the same procedure as apply to appeals from judgments of justices of the peace.

Section 23. That appeals from judgments of said court to the Circuit Court in cases of forcible entry and unlawful detainer shall be taken within the same time and in the same manner and upon the same conditions with respect to bonds and surety as are applicable to appeals in like cases from justices of the peace courts.

Section 24. That any party desiring to appeal shall give bond with sureties to be approved by the clerk conditioned to pay all costs which may be taxed against him in the Circuit Court. If the judgment appealed from is for the payment of money or for the recovery of personal property and the party appealing desires to have the judgment superseded, he shall give bond with sureties to be approved by the clerk and payable to the party or parties in whose favor the judgment was rendered and in such penalty as the judge may prescribe conditioned to pay and satisfy such judgment and costs as may be awarded and taxed against him on the trial of the case in the Circuit Court. All such bonds shall be filed with and approved by the clerk within five days from the rendition of the judgment from which appeal is taken. This section shall not be applicable to judgments in forcible entry and unlawful detainer cases.

Section 25. Certioraris from judgments of this court may be granted by judges of the Circuit Court and trials de novo had in the Circuit Court for the same causes, and upon the same conditions and according to the same procedures as apply to statutory certioraries from judgments of justices of the peace, and all certificates and notices with respect to such certioraries shall be issued by the clerk.

Section 26. That in any case in said court wherein the parties in interest shall either before or after final judgment file in the cause a written waiver of their rights to jury and waiver of appeal to the Circuit Court, then the appeal in such case shall lie direct to the Court of Appeals to be taken within five days from final judgment and in such cases the appeals and costs thereof shall be taken, regulated, controlled, governed and disposed of in the same manner and according to the same procedure as apply to appeals from judgments of the Circuit Court except as herein provided. The bills of exception in such cases shall be presented to the judge within 30 days after presentation and the date of presentation and signing of such bills of exception must be endorsed thereon by the trial judge. In cases of such appeals to the court of appeals the clerk shall make up a record and transcript of all the proceedings in the cause including the bill of exceptions and certify the same in the court of appeals.

Section 27. Neither party to a suit in this court as a matter of right may file interrogatories to be propounded to the opposite party, but for good cause shown, the judge of this court may allow such interrogatories to be propounded, in which cases the judge shall fix the time in which they shall be answered, and the said filing and answering of said interrogatories except as herein provided, shall be governed as far as applicable by practice and procedure of the circuit court, and the same costs shall be taxed and collected with respect to such interrogatories as is provided in the circuit court.

Section 28. That the judge of this court shall have the same powers and authority with respect to taxation, retaxation and apportionment of costs as are conferred upon judges of the circuit court.

Section 29. The judge of the court may determine and fix the time of holding sessions of the court for the trial of all cases, civil, criminal, juvenile, domestic relations, and equity, provided that all cases shall be called for trial at least once every thirty days. However, this section shall not be construed to prevent the continuance of any case in said court, by agreement of counsel or the parties on good cause shown to the court, and when any cause is so continued to a specified time either for a cause shown to the court, or by agreement of the parties or counsel, it shall not be necessary to call said case until the expiration of the time to which it has been continued. And provided further, that the court shall have the right and power to call extraordinary sessions of said court whenever in the judgment of the court the same are necessary.

Section 30. In all civil cases the summons must be issued by the clerk of the court, and accompanied by the complaint of the plaintiff or by an endorsement setting forth the cause of action but a complaint shall be sufficient if it contains such information as is required by law with respect to endorsements on the summons of courts of justices of the peace. The summons must be executed by the constable, sheriff or other officer authorized to serve process by leaving a copy of the summons and complaint, or summons, with the cause of action endorsed thereon with the defendant which fact he must return with the process. All garnishments shall be answerable at or before nine o'clock A. M. of the return day of the writ and the court may render a conditional judgment against any garnishee who after proper service of the writ fails to answer at or before such time. No more than three days service of any rule or notice to show cause why a conditional judgment should not be made final shall be necessary in any garnishment proceeding in this court. Service of any notice proper to be made by publication may be perfected by one insertion of the notice and after ten days from the date of publication of any such the party so notified and failing to appear shall be treated as in default. In all garnishment proceedings in said court the court may upon motion of any party in interest and reasonable notice to the party or parties adversely affected not less than three days, and whether the garnishee has answered or not hear and determine the right of exemption of the defendant in garnishment with respect to the monies or property garnished.

Section 31. That it shall be the duty of the clerk to issue an execution on all judgments rendered in said court after five days from the entry thereof and place the same in the hands of the sheriff or other officer of the court who shall return such execution within thirty days thereafter, said return to show that he has collected said judgment and paid the same or the amount collected, or is unable to find property of the person against whom said process issued out of which said execution can be satisfied in whole or in part. Real property may be levied on and sold under any execution from this court without motion or other proceeding in Circuit Court.

Section 32. That if it shall appear to the clerk that in any case where an execution has been returned unsatisfied as to the cost of said cause and in the opinion of the Clerk said cost can be collected by an alias execution the clerk may issue such alias execution and may direct the sheriff or constable as to what property can be levied upon to satisfy said judgment.

Section 33. The costs charged in all criminal cases in the Intermediate Court of Walker County shall be the same as provided for county cases under the general laws governing costs in county cases.

Section 34. The costs charged in equity cases in the Intermediate Court of Walker County shall be the same as provided by law for the Circuit Courts in Equity under the general laws of the State of Alabama.

Section 35. The costs charged in civil cases in the Intermediate Court of Walker County when the amount in controversy is an amount which could be filed in a justice of the peace court shall be the same as allowed by law for justice of the peace courts and in those cases when the amount in controversy exceeds one hundred dollars (\$100.00) the costs shall be those allowed by the general laws of Alabama for Circuit Courts.

Section 36. It shall be the duty of the governing body of the county to provide such office and supply the same with telephone service and office supplies. Such office furniture, furnishings, fixtures, law library, and equipment as may be necessary to enable the judge of said court efficiently to conduct the affairs of his office shall be provided by the State Department of Finance, the expense of which shall be paid from any available funds appropriated to pay the expenses of circuit courts, circuit judges, or solicitors, or appropriated to purchase equipment.

Section 37. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 38. All laws or parts of laws which conflict with this Act are repealed.

Section 39. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF WALKER

Before me, the undersigned authority in and for said County in said State, this day personally appeared Richard Dowis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Daily Mountain Eagle, a newspaper of general circulation published in Walker County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 12, July 19, July 26, and August 2, all in the year 1963.

RICHARD DOWIS,

Sworn to and subscribed before me August 5, 1963.

FAY O'REAR,
Title Notary Public.

By Mr. Wilson:

S. 424. To amend Act No. 530, H. 635, Regular Session 1949, relating to public health (Acts of Alabama 1949, p. 835; Code 1958, Title 22, Sections 204(42) — 204(54)), providing for the licensing of nursing homes established at or operated in connection with institutions under the supervision of the board of trustees of the Alabama state hospitals.

Committee on Public Health.

By Mr. Smith:

S. 425. To provide for branch banking in Russell County.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF RUSSELL

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To provide for branch banking in Russell County.

Be It Enacted by the Legislature of Alabama:

Section 1. After the effective date of this Act any established Bank which is authorized by its charter or by law to do a general banking business in Russell County may, with the written consent of the State Department of Banks, open, establish, and operate branch banks, branch offices or places for doing a banking business anywhere within the County, any other provision of law to the contrary notwithstanding.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF RUSSELL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Isabel A. Moses, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Phenix-Girard Journal, a newspaper of general circulation published in Russell County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 19, July 26, August 2, and August 9, all in the year 1963.

ISABEL A. MOSES,

Sworn to and subscribed before me August 9, 1963.

JOSEPH W. SMITH,
Title Notary Public.

By Mr. Horton:

S. 426. Relating to the development of the Elk River Watershed area; creating the Elk River Development Agency; providing for its incorporation as a public body corporate; prescribing its authority, powers, duties, functions and management; authorizing the agency to issue bonds, and the counties of Lauderdale and Limestone and municipalities therein to contribute funds for its use.

Committee on Forestry and Conservation.

By Mr. Horton:

S. 427. Proposing an amendment to the Constitution of Alabama relative to the development of the Elk River water shed area.

Committee on Forestry and Conservation.

The above bill was read a first time at length as required by the Constitution.

By Mr. Oden:

S. 428. Relating to Franklin County, regulating further the business of money brokers and persons who lend money on notes or mortgages or other personal security, prohibiting the issuance of licenses to such persons under the Alabama Small Loan Act, and prescribing penalties.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

**STATE OF ALABAMA
COUNTY OF FRANKLIN**

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Franklin County; regulating further the business of money brokers and persons who lend money on notes or mortgages or other personal security, prohibiting the issuance of licenses to such persons under the Alabama Small Loan Act, and prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. All persons engaged in the business of money broker, or lending money and taking security therefor by notes or mortgages or personal security, in Franklin County, shall be subject fully to the general laws of this state relating to interest and usury as prescribed in Code 1940, Title 9, Chapter 6, regardless of the amount of the loan; and no person shall be licensed hereafter under the Alabama Small Loan Act (Act No. 374, H. 102, Regular Session 1959) to engage in the small loan business in Franklin County.

Section 2. Whoever violates this Act is guilty of a misdemeanor and upon conviction shall be fined not less than \$100 nor more than \$500 or imprisoned or sentenced to hard labor for not more than six months.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF FRANKLIN

Before me a Notary Public, in and for said State and County, personally appeared Claude E. Sparks, co-owner and editor of the Franklin County Times, a newspaper published in said State and County, who being sworn according to law, deposes and says that the legal notice, copy of which is herewith attached, was duly published in the Franklin County Times for 4 consecutive weekly issues beginning with the issue of May 23, 1963 and ending with the issue of June 13, 1963.

CLAUDE E. SPARKS,

Subscribed and sworn to before me, this the 5th day of Aug. 1963 at Russellville, Ala.

MAE G. STREIT,
Notary Public.

My commission expires 2-19-66.

By Mr. Gilchrist:

S. 429. Relating to civil remedies and procedure; providing an additional and alternative method for the service of process in civil actions brought in justice of the peace courts.

Committee on Judiciary.

By Mr. Gilchrist:

S. 430. Relating to counties having populations of not less than 57,000 nor more than 61,000; providing an additional and alternative method for the service of process in civil actions in justice of the peace courts.

Committee on Local Legislation.

By Mr. McCain:

S. 431. To amend further Section 94, Title 51, Code of Alabama of 1940, which relates to the term of service and compensation of members of boards of equalization, by establishing an additional classification therein.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Dumas, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following

bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Steagall:

H. 442. To dispense with a Jury verdict in all Criminal Cases where the defendant has been indicted by a Grand Jury and provide for the Court to fix the punishment in such cases where defendants, after having had the advice of counsel, plead guilty in open Court to the commission of an offense embraced in the Indictment.

Mr. Dumas, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Ingram et al (With Amendment):

H. 440. To exempt licensed practitioners of any of the healing arts or any branch thereof from liability for civil damages resulting from any acts or omissions of such licensees in rendering emergency care at the scene of the emergency.

Mr. Dumas, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Revill et al:

H. 210. To repeal Sections 21 and 22 of Title 13, Code of Alabama 1940.

Mr. Dumas, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. McDow and Cooper (With Substitute):

S. 407. To provide for the appointment, removal, and discharge of a legal representative to manage public assistance payments for certain public assistance applicants or recipients, and to prescribe the duties of such legal representative.

Mr. Dumas, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Horton:

S. 376. To amend Code of Alabama 1940, Title 58, Section 37, in relation to the payment of fiduciary funds into the county treasury.

By Mr. Goodwyn:

H. 582. To provide for the punishment of an attempt to commit

burglary in the First Degree, Burglary in the Second Degree, Burglary in a Railroad Car and Burglary of a Motor Vehicle.

By Mr. Goodwyn:

H. 584. To amend Section 124 of Title 14 of the Code of Alabama of 1940.

By Mr. Goodwyn:

H. 586. To amend Section 415 of Title 14 of the Code of Alabama 1940.

By Mr. Goodwyn:

H. 588. To amend Section 33 of Title 14 of the Code of Alabama 1940.

By Mr. Goodwyn:

H. 590. To amend Section 331 of Title 14 of the Code of Alabama 1940.

By Mr. Goodwyn:

H. 591. To amend Section 334 of Title 14 of the Code of Alabama 1940.

By Mr. Callahan et al:

H. 699. To provide for and authorize the introduction in evidence in any court in Alabama, when relevant and material, certified copies of hospital records of any hospital organized or operated under or pursuant to the laws of Alabama, including records of admission, medical, clinical, hospital, occupational, disease, injury and disability histories, X-rays and written interpretations thereof, pictures, photographs, files, written orders, directions, findings and reports of physicians, doctors, surgeons, pathologists, radiologists, specialists, dentists, technicians and nurses, as well as employees of such hospital, forming a part of such hospital records, as to the health, physical and mental condition, state, sickness, disease, mental and physical disorders, damages, duration and character of disabilities, diagnosis, prognosis, progress, operations, incisions, injuries, wounds, cuts, lacerations, bruises, breaks, examinations, tests, transfusions, hospitalization and duration thereof, medication, medicines, treatment and care and charge sheets and the costs, expenses, fees and charges therefor and thereof, as to and of a patient in said hospital, when the custodian of such hospital records certifies and affirms in writing that the same are an exact, full, true and correct copy of such hospital records, with the proviso that all circumstances of the making of such hospital records, including lack of personal knowledge by the entrant or maker, may be otherwise shown to affect the weight of such hospital records but they shall not affect their admissibility; and to provide for the filing of said copy with the Clerk or Register of the Court having jurisdiction of the suit or proceeding, and to provide for subpoena duces tecum therefor.

By Messrs. Collins and Brewer:

H. 762. To amend Code of Alabama 1940, Title 16, Section 1, which relates to descent of real estate of persons dying intestate.

By Mr. Fite et al:

H. 218. To amend Sections 20 and 21 of Title 30, Code of Alabama (1940), which relate to the qualifications of persons on jury rolls.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Moore et al:

H. 541. To raise revenue; imposing a privilege or license tax on persons, firms, and corporations engaged in the business of performing certain contracts; fixing the rate of the tax and providing for collection, enforcement, and distribution thereof.

By Messrs. Salter, Edwards (Escambia) and Jones (Monroe):

H. 955. To authorize and create an additional judge of the Twenty-first Judicial Circuit of Alabama and to provide for his election, jurisdiction, powers, authority and qualifications; to render him liable to all the pains and penalties of the other circuit judges of the state; to provide for the designation of each of the two offices of circuit judge of said circuit by number and to provide for the salary of said judge.

By Mr. Nettles et al:

H. 1057. To fix the salary of the State Commissioner of Revenue.

By Mr. Fite:

H. 569. To authorize the Governor of Alabama, the Highway Director and the Director of Finance to become a corporation; to prescribe the powers of such corporation, including the power to construct public roads and bridges in the State and to finance such construction by the issuance of its bonds; to provide that such bonds and the income therefrom shall be exempt from taxation, and that such bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies and for investment of trust funds; and shall not create an obligation or debt of the state; to provide for the disposition of the proceeds of the sale of the bonds of such corporation; to make appropriation and pledge of funds necessary to pay the principal of and interest on bonds of such corporation; to authorize such corporation to pledge such funds for payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from such funds, but that said bonds will nevertheless constitute negotiable instruments; to provide that the State Treasurer shall be custodian of funds of said corporation; to confer on said corporation the power of eminent domain; and to provide for the dissolution of such corporation.

By Mr. Goodwyn et al:

H. 632. For the relief of Eddie Lee Bennett; making an appropriation of highway department funds to compensate him for personal injuries suffered by him while he was engaged in the performance of his regularly assigned duties as a convict leased to the State Highway Department by the State Board of Corrections.

By Mr. Nabors:

H. 703. Relating to elections; to provide for payment of expenses accrued in relation to the constitutional amendment election called for Tuesday, August 13, 1963.

By Mr. Turnham et al:

H. 785. To appropriate \$300,000 annually or as much thereof as may be necessary from the Alabama Special Educational Trust Fund to the State Board of Education as a part of the Minimum Program Fund, in addition to all other appropriations in the Minimum Program Fund, for the education and training of exceptional children including the administration, maintenance, and operation of class rooms, classes, and teachers for such classes in accordance with Act No. 67, approved June 27, 1963.

By Messrs. Goldthwaite and Fields:

H. 826. To regulate, tax, supervise and control placement of insurance with insurers not-admitted to Alabama.

By Mr. Clark:

S. 399. To amend Code of Alabama 1940, Title 45, Sections 190, 198, 199, 201, 203, and 229; repealing Sections 200, 202 and 216 relating to the operation, management and control of Alabama state hospitals.

By Mr. Clark:

S. 400. To amend Code of Alabama 1940, Title 45, Sections 232, 234, 235, 240, 249 and 252 relating to the operation and management of Partlow state school and hospital; authorizing the board of managers to acquire and operate additional facilities under prescribed conditions; further regulating the employment procedures and fiscal management of the institution; designating the services of the institution essential functions of the state; abolishing the office of treasurer of such institution and authorizing the appointment of a business manager, assistant business manager, and reimbursement officer for such institution.

By Mr. Beville et al:

H. 433. To amend Section 154, Title 41, Code of Alabama 1940, as last amended.

By Mr. Clark:

S. 401. To amend Sections 2 and 3 of Act No. 777, H. 909, Regular Session 1953 (Acts 1953, p. 1048) relating to support and maintenance of mentally ill persons committed to the state mental institutions; authorizing the superintendent of Alabama state hospitals to fix and determine responsibility for the care and support of inmates committed to such institutions.

By Mr. Clark:

S. 402. To amend Sections 3 and 4 of Act No. 778, H. 910, Regular Session 1953 (Acts 1953, p. 1051) relating to periodic redeterminations of the financial condition of all non-paying inmates of the State mental institutions; authorizing the superintendent of the Alabama state hos-

pitals to fix the responsibility of the cost of the care, support, non-paying inmates of state mental institutions and prescribing the procedure therefor.

By Mr. Hammond:

S. 378. To appropriate to the Department of Conservation, Division of State Parks, Monuments and Historical Sites, the sum of Thirty Thousand Dollars (\$30,000) for the repair of the State-owned dam and construction of additional facilities at DeSoto Falls in DeKalb County, Alabama.

By Mr. Goodwyn:

H. 874. To appropriate to the Department of Conservation, Division of State Parks, Monuments and Historical Sites, the sum of One Hundred Fifty Thousand Dollars or so much thereof as may be necessary for the purpose of paying such sums as may be ordered by the Federal Court in settlement of equities in the litigation concerning the Gulf State Park properties, and further for the purchase of a motel and certain lands adjacent thereto located within Gulf State Park in Baldwin County, Alabama, and further authorize the Director of Conservation to make such purchase from the Small Business Administration, an agency of the United States Government.

By Mr. Fite:

H. 797. To further amend Section 2 of Act No. 100, Second Special Session 1959, so as to provide for payment of the tax on automotive vehicles, truck trailers, semi-trailers or house trailers, withdrawn from stock for use in the business of the taxpayer.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Brannan, Tyson, Lowe, McDow, Hammond, Taylor, Lolley, Hornsby, James and Horton (With Amendment):

S. 381. To provide for the uniform disposition of unclaimed and abandoned tangible and intangible personal property including a definition of terms, property held by banking or financial institutions, unclaimed funds held by insurance companies, deposits and refunds held by utilities, undistributed dividends and distributions of business associations, property of business associations and banking or financial organizations held in course of dissolution, property held by fiduciaries, property held by Federal Courts and Federal officers and agencies, miscellaneous personal property held for another person; to provide for reciprocity for property presumed abandoned or escheated under the laws of another state; to provide for the report of abandoned property; to provide for the notice and publication of lists of abandoned property; to provide for the payment or delivery of abandoned property to the Commissioner of Revenue; to provide for the relief from liability to the holder by payment or delivery to the Commissioner of Revenue; to provide that no income shall accrue after payment or delivery to the Commissioner of Revenue; to provide that periods of limitation shall not be a bar to recovery by the Commissioner of Revenue; or the duty to file reports; to provide for the sale of abandoned property; to provide for the deposit and disposition of funds;

to provide for the claim for abandoned property paid or delivered; to provide for the determination of claims by the Commissioner of Revenue; to provide for judicial action or review; to provide for election by the Commissioner of Revenue to take payment or delivery in certain cases; to provide for the examination of records; to provide for judicial proceedings to compel payment or delivery; to prescribe penalties; to provide for the administration and enforcement of the Act by the Commissioner of Revenue and the State Department of Revenue; to provide for the effect of laws of other states; to provide for the severability of this Act; to provide for the uniformity of interpretation of this Act; to provide for a short title of this Act; to repeal conflicting laws; and to provide an effective date for this Act.

Mr. Hawkins, Chairman of the Standing Committee on Banking, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Evans:

S. 297. To amend further Act No. 565 enacted at the Regular Session of the Legislature of Alabama of 1943, entitled "An Act to authorize the establishment and maintenance of common trust funds; to authorize investments or participations therein; to define the requirements and terms thereof and the conditions and terms governing investments or participations therein and the admission and withdrawal of such investments or participations; to prescribe and define the rights, powers and duties of banks, trust companies, fiduciaries, participants, beneficiaries and other persons with respect thereto; to provide for the regulation and supervision thereof; to repeal all laws inconsistent and in conflict with the provisions of this Act, and for other purposes," as said Act has heretofore been amended by Act No. 262 enacted at the Regular Session of the Legislature of Alabama of 1949 and by Act No. 112 enacted at the Regular Session of the Legislature of Alabama of 1953.

Mr. Hawkins, Chairman of the Standing Committee on Banking, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Givhan (With Substitute):

S. 318. To define the corporate status of production credit associations organized under the laws of the United States and provide the method of taxation of such associations, and other like agencies.

Mr. Eddins, Chairman of the Standing Committee on Corporations, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Engel, Brewer, McDermott and Rogers:

H. 186. To amend Sections 13, 14, 21, and 91 of Act No. 414, S. 261, Regular Session 1959 (Acts 1959, p. 1055) relating to the qualification and operation of domestic and foreign corporations in the state, prescribing fees to be paid to the secretary of state for the performance of certain official duties pursuant thereto.

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following

bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Hannah and Boston :

H. 356. Relating to counties having populations of not less than 60,500 nor more than 65,400, regulating the practice of barbering; prescribing the terms upon which licenses may be issued to practitioners of barbering, including students and apprentices; regulating barber shops, barber schools and instructors; providing for the appointment of a County Board of Barber Commissioners, and defining the duties of said Board; prescribing fees; defining certain misdemeanors and providing penalties for violation thereof.

By Mr. NeSmith (With Notice and Proof):

H. 611. Relating to Blount County; abolishing the board of finance and control created by Act No. 334, H. 954, approved September 2, 1955, and restoring and re-establishing the court of county commissioners of Blount County in lieu thereof, providing for the organization, powers, jurisdiction, and duties of the court of county commissioners; and providing for the qualifications, election, term, powers, duties, authority, and compensation of its members.

By Mr. Etheredge et al:

H. 676. To apply in counties having a population of 600,000 or more according to the last or any subsequent federal decennial census; to provide further for the duties and authority of the judge of probate and the county commission or county governing body of such county; to regulate further the Probate Court and the offices of the Judge of Probate in such counties; to prescribe further the manner of keeping records and recording documents, instruments and paper; to authorize and permit the use of photograph or microphotograph machines for recording documents and papers, and for preserving such on film and microfilm; to direct the discontinuance of keeping copies or prints or records in large and well-bound books, and to permit the storing or destruction of such books or records after photographing or reproducing the same on film records; to authorize and permit the discontinuance of keeping both "Minute Books" and "Final Record Books," and to provide the manner of keeping records of the Probate of wills; to provide further the manner of entering partial or full satisfaction of the record of any mortgage lien or other instrument; to authorize the judge of probate to adopt and promulgate reasonable rules and regulations controlling public access to the system of recording and preserving records; to make inapplicable insofar as said counties are concerned, the provisions of Section 280 of Title 13, Code of Alabama, 1940, as amended, and to amend and repeal all laws or parts of law inconsistent with or in conflict with this act.

By Mr. Holladay (With Notice and Proof):

H. 698. To alter, rearrange and extend the boundaries and corporate limits of the town of Springville, St. Clair County, Alabama, so as to annex certain territory to the town.

By Messrs. Merrill, Burnham and Albea (With Notice and Proof):

H. 712. To alter, rearrange and extend the boundary lines of the City of Anniston, Alabama in Calhoun County, Alabama, so as to include

within the corporate limits of said city certain property therein set out and described.

By Messrs. Burns, Nabors and Owens:

H. 747. Relating to the sixteenth judicial circuit of Alabama; prescribing a rule of procedure for the circuit courts therein.

By Messrs. Burns, Nabors and Owens:

H. 748. Relating to counties having populations of not less than 96,000 nor more than 106,000; authorizing certain teachers in the public schools who are over age seventy to be continued in service; and prescribing conditions for their continued employment.

By Mr. Campbell (Jackson) (With Notice and Proof):

H. 760. To alter, rearrange and extend the boundary lines and corporate limits of the City of Scottsboro, in Jackson County, Alabama, and to prescribe the time when this Act shall become effective.

By Mr. Brown (Jefferson) et al:

H. 764. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, to authorize and empower the Legislature by general or local laws to fix, regulate, and change the jurisdiction of any or all inferior courts established in lieu of Justices of the Peace in Jefferson County, in all civil cases so long as the amount in controversy does not exceed five hundred dollars, except in cases of libel, slander, assault and battery, and ejectment; and to ratify, validate, and confirm all acts of the Legislature, whether general or local, providing for such change in jurisdiction prior to the adoption of this amendment, and all judgments of such courts rendered pursuant to such Acts.

The above bill was read a second time at length as required by the Constitution.

By Mr. Vacca et al (With Notice and Proof):

H. 765. To require the payment to the Sheriff of Jefferson County, Alabama, of a fee of Five Dollars (\$5.00) for each pistol permit issued by him; to provide that the Sheriff shall pay the said Five Dollars (\$5.00) to the County Treasurer; to provide that the County Treasurer shall deposit fifty cents (50¢) of said fee in the general fund of the County and shall pay Four Dollars and fifty cents (\$4.50) of said fee to the fund of the Retirement System for county employees of Jefferson County established by Act No. 551 of the Legislature of Alabama of 1953, approved September 9, 1953 (Acts of Alabama, 1953, pages 766, et seq.) so long as the benefits paid under said Act No. 551 are less than the benefits provided for by the schedule of specific benefits stated in said Act; to provide that when the aforesaid Four Dollars and fifty cents (\$4.50) of said fee is not paid that said fund established by Act No. 551 the said Four Dollars and fifty cents (\$4.50) shall be paid to the fund of the retirement system for county employees established by Act No. 843 of the Legislature of Alabama of 1961, approved September 8, 1961, (Acts of Alabama of 1961, pages 1250, et seq.); to provide that the collection of said fee shall not commence until Act No. 343 of the Legislature of Alabama of 1953, approved August 7, 1953, (Acts of Alabama of 1953, page 404, et seq.) has been repealed; and to repeal all laws and parts of laws in conflict with this Act.

By Mr. Vacca et al:

H. 766. To repeal Act No. 343 of the Legislature of Alabama of 1953, approved August 17, 1953 (Acts of Alabama of 1953, page 404, et seq.), and any other Act of the Legislature establishing or providing for any supplemental retirement fund for deputy sheriffs and other persons employed by the Sheriff in counties having a population of 400,000 or more according to the last or any future federal census, to provide for the liquidation and distribution of any such supplemental retirement fund, to provide for securing in said liquidation and distribution the payment of benefits due or to become due under any such act and to provide that any surplus in such fund shall be paid into the fund of the pension system of the general employees of the county to which system the said Deputy Sheriffs and other employees belonged prior to retirement.

By Mr. Perry et al (With Notice and Proof):

H. 769. To further amend Sections 3, 7 and 9 of Act No. 843 of the Regular Session of the Legislature of Alabama of 1961, approved September 8, 1961.

By Messrs. Hannah and Boston:

H. 773. To amend Section 2 of Act No. 52, H. 111, Second Special Session 1963, in relation to the date for holding the election on the constitutional amendment proposed by said Act.

By Mr. Baker (Madison) et al:

H. 788. Relating to municipalities having a mayor-council form of government; further regulating the election, compensation, powers and duties of the mayor in all cities having populations of not less than 70,000 nor more than 120,000 according to the 1960 or any subsequent federal decennial census, and repealing conflicting laws.

By Mr. Pennington et al:

H. 789. To amend Act No. 395, H. 833, Regular Session 1961 (Acts 1961, v. 1, p. 407), an act providing for the election of the mayor and council in cities having populations of not less than 70,000 nor more than 120,000, in relation to the amount of the qualifying fee required of candidates for mayor or councilman.

By Mr. Carr (With Notice and Proof):

H. 800. Relating to Marshall County; providing deputies and other assistants for the sheriff and fixing their compensation; repealing conflicting laws.

By Mr. Carr (With Notice and Proof):

H. 803. To prohibit the taking of fish from the public waters of Marshall County with certain commercial fishing gear during certain months; and prescribing penalties.

By Mr. Cates (With Notice and Proof):

H. 839. To apply only in Shelby County; regulating further the taking of fish from public streams and impounded waters; authorizing the taking of catfish by the use of baskets or nets including wire mesh

baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken.

By Mr. Cates (With Notice and Proof):

H. 840. To amend further Act No. 479, H. 1079, Regular Session 1959 (Acts 1959, p. 1198), an Act establishing the Law and Equity Court for Shelby County.

By Mr. Cates (With Notice and Proof):

H. 841. To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves stock by artificially propagated upland birds in Shelby County; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties.

By Mr. Cates (With Notice and Proof):

H. 842. To provide that no municipality whose corporate limits do not lie within or extend into and embrace and include a portion of Shelby County shall have or exercise police jurisdiction within Shelby County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Shelby County or over or on any person in Shelby County or property or business or trade or profession in Shelby County; nor shall any such municipality levy, fix or collect any license or fee of any kind on or for the exercise of any business, trade or profession done in Shelby County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violation thereof have force or effect in Shelby County.

By Mr. Cates (With Notice and Proof):

H. 843. To alter and rearrange the boundaries of the Town of Alabaster, and extend the corporate limits of the municipality, making the act effective upon approval of the qualified electors of the territory to be annexed, and providing for a referendum on the proposition.

By Mr. Cates (With Notice and Proof):

H. 844. To alter, rearrange, and extend the boundaries of the town of Alabaster, Shelby County.

By Mr. McCain (With Notice and Proof):

S. 322. For the relief of Peggy Cook, a minor child, authorizing and requiring the county governing body of Tuscaloosa County, Alabama, to make an appropriation from the county treasury to compensate the said Peggy Cook for certain damages sustained by said minor child, Peggy Cook.

By Mr. McCain (With Notice and Proof):

S. 323. For the relief of Willard Cook, authorizing and requiring the County governing body of Tuscaloosa County, Alabama, to make an appropriation from the county treasury to compensate the said Willard Cook for certain damages sustained by said Willard Cook.

By Mr. McCain (With Notice and Proof):

S. 324. For the relief of Irene Hallman, authorizing and requiring the county governing body of Tuscaloosa County, Alabama, to make an

appropriation from the county treasury to compensate the said Irene Hallman for certain damages.

By Mr. Allen:

S. 327. Relating to counties having populations of not less than 42,000 nor more than 46,000; providing clerical assistance for the county solicitor of such counties.

By Mr. Carter:

S. 329. To provide for additional supplemental salary to be paid by counties to circuit judges of circuits composed of only one county with a population under 500,000 and having two court houses where circuit court is required by law to be held; to fix the amount and method of payment thereof; and to further provide for the effective date of this Act.

By Mr. Shelton:

S. 330. Relating to counties having a population of not less than 76,000 nor more than 96,000; Providing for the reidentification of all registered voters; directing the Board of Registrars to purge the list of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

By Mr. Hornsby (With Notice and Proof):

S. 345. To provide further for purging the lists of registered voters in Tallapoosa County, requiring and prescribing the procedure of reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification of registered voters, and providing penalties for making a wilful false statement in connection with reidentification.

By Mr. Allen (With Notice and Proof):

S. 354. To authorize, direct, and require the State Department of Revenue to collect any sales and use taxes which may be levied in the Town of Addison, Alabama, in Winston County, Alabama, under the provisions of any ordinances or resolution duly promulgated and adopted by the governing body of the Town of Addison, Alabama to prescribe the power, duties, and authority of the State Department of Revenue with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Nabors, Owens and Burns (With Substitute):

H. 752. To amend Section 2 of Act No. 412, H. 878, Regular Session 1961 (Acts 1961, p. 429), relating to certain county officers in counties classified according to population.

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report,

and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Doggett (With Notice and Proof):

H. 715. To alter, rearrange and extend the boundary lines and corporate limits of the town of Butler, in Choctaw County, Alabama.

By Mr. Doggett:

H. 716. Relating to counties having not less than 17,800 nor more than 18,700 populations; providing for the payment of additional expense allowances of members of the court of county commissioners, board of revenue or like governing body of such counties.

By Mr. McCorquodale:

H. 717. Proposing an amendment to the Constitution of Alabama relative to promotion of economic development of Clarke County.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Stembridge:

H. 759. Relating to counties having populations of not less than 50,000 nor more than 54,000; providing expense allowances for members of the court of county commissioners, board of revenue, or other like county governing body.

By Mr. Wood:

H. 856. Relating to counties having populations of not less than 15,300 nor more than 15,400; providing further for the conservation of game and fish; authorizing the director of conservation to appoint unsalaried deputy game and fish wardens for such counties.

By Mr. Wood:

H. 857. To authorize the governing body of any county having a population of not less than 15,300 nor more than 15,400 to appropriate county funds to municipal industrial development boards within or without the county.

By Mr. Moore (With Notice and Proof):

H. 776. To repeal an act entitled "An Act, relating to Lawrence County, providing for a Fine and Forfeiture Fund in the County Treasury and for the use thereof, repealing Act No. 362, H. 471, Regular Session 1961 (Acts 1961, Vol. 1, page 381), an act abolishing the Fine and Forfeiture Fund of the County."

By Mr. Moore (With Notice and Proof):

H. 777. Relating to Lawrence County, providing for a Fine and Forfeiture Fund in the County Treasury and for the use thereof, repealing Act No. 362, H. 741, Regular Session 1961 (Acts 1961, Vol 1, Page 381), an act abolishing the Fine and Forfeiture Fund of the County.

By Messrs. Brewer and Slate (With Notice and Proof):

H. 833. To amend further Section 1 of Act No. 64, H. 259, Regular

Session 1947 (Local Acts 1947, p. 45), an act providing for the appointment of a deputy clerk for the circuit court of Morgan County.

By Messrs. Brewer and Slate (With Notice and Proof):

H. 834. To alter, rearrange, and extend the boundaries of the City of Decatur in Morgan County.

By Messrs. Brewer and Slate (With Notice and Proof):

H. 835. To amend further Act No. 70, H. 346, Regular Session 1943 (Local Acts 1943, p. 34), an act placing the judge of probate of Morgan County on a salary basis and providing for clerical assistance.

By Messrs. Brewer and Slate (With Notice and Proof):

H. 836. To amend further Section 1 of Act No. 68, H. 263, Regular Session 1947 (Local Acts 1947, p. 51), an act providing for the appointment of a deputy register for the circuit court of Morgan County.

By Messrs. Camp and Bolton:

H. 848. To make it lawful for any person, or persons, to use stationary fish traps with wooden fingers or slats not less than one and one-half inches apart for the purpose of taking or catching commercial or non-game fish in that part of any river that lies within counties in Alabama having a population not less than 65,000 nor more than 95,000 according to the last or any subsequent federal census; and to further regulate the operation of such traps.

By Messrs. Bolton and Camp (With Notice and Proof):

H. 849. To create and establish in Talladega County a county court of limited jurisdiction of criminal, civil cases at law and juvenile cases, composed of two divisions, a Northern Division and a Southern Division, to be known as the "County Court of Talladega County," Northern Division and Southern Division, and abolish the Intermediate Court of Talladega County created by Act 733, H. 1077, approved September 5, 1951 (Acts of 1951, page 1281), and also the Civil and Misdemeanors Court of South Talladega County created by Act 109, S. 37, approved August 24, 1959 (Acts of 1959, page 330); providing for its officers and their term, powers, duties, compensation and method of selection; prescribing its jurisdiction; regulating its procedure and process; providing for the return of warrants thereto, including all warrants for the appeals from the court; providing for the transfer to the court of all cases pending in and judgments rendered by the Intermediate Court of Talladega County and the Civil and Misdemeanors Court of South Talladega County.

By Mr. Avery (With Notice and Proof):

H. 757. To alter, re-arrange and extend the boundaries and corporate limits of the municipality of Greensboro in Hale County; annexing certain territory to said municipality.

By Mr. Drake:

H. 534. To amend further Code of Alabama, Title 7, Section 713, in relation to newspaper publication of legal advertisements.

By Mr. Drake (With Notice and Proof):

H. 736. Relating to Cullman County; authorizing and providing for the establishment, maintenance, operation, control and financing of a public law library for the county.

By Mr. Drake (With Notice and Proof):

H. 737. To amend Section 1 of Act No. 56, H. 325, Regular Session 1943 (Local Acts 1943, p. 28), an act authorizing the levy in Cullman County of a privilege tax on persons and businesses selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county gasoline, naphtha, and other liquid motor fuels or any device or substitute therefor, commonly used in internal combustion engines.

By Mr. Posey (With Notice and Proof):

H. 256. To amend further Sections 1 and 2 of Act No. 539, S. 253, Regular Session 1931 (Local Acts 1931, p. 257), an act providing for the supervision, management, and control of the public schools of Winston County; to require the nomination of members of the board of education by areas and their election by the qualified electors of the county at large and to grant the county board of education certain powers and responsibilities formerly vested in school trustees of the public schools of the county.

By Mr. Posey (With Notice and Proof):

H. 257. To amend Sections 2, 4, 5, and 11 of Act No. 326, H. 834, Regular Session 1959 (Acts 1959, p. 902) providing for the creation of a Board of Revenue of Winston County; to provide further for the manner of nominating and electing candidates for the office of associate member of the board; for filling vacancies in the office of chairman or associate member, and for approval of bonds required of members of the board.

By Mr. Davis (With Notice and Proof):

H. 710. To alter, rearrange, and extend the boundaries and corporate limits of the town of Centreville in Bibb County.

By Mr. Barnett (With Notice and Proof):

H. 758. Relating to the Perry County Hospital Board; authorizing the expenditure of certain public hospital funds for training student nurses.

By Mr. Roberts:

S. 356. Relating to counties having populations of not less than 115,000 nor more than 160,000; further regulating the sale of alcoholic beverages in such counties and certain municipalities therein.

By Mr. Roberts:

S. 357. Authorizing any municipality having a population of not less than seventy thousand nor more than one hundred thirty thousand according to the most recent federal decennial census to create a planning commission having certain powers, duties, and regulations.

By Mr. Campbell (Jackson):

H. 485. To provide expense allowance to circuit solicitors in judi-

cial circuits composed of three or more counties in addition to those expenses now allowed by law.

By Mr. Campbell (Jackson):

H. 486. To provide expense allowance to circuit court judges in judicial circuits composed of three or more counties in addition to those expenses now allowed by law.

By Mr. Teel:

H. 729. To provide for the compensation of jurors in counties having populations of not more than 10,900 according to the last or any subsequent federal decennial census.

By Mr. Roberts:

S. 359. Relating to counties having populations of not less than 110,000 nor more than 160,000; creating an educational survey committee to study, evaluate and make recommendations to the boards of education of such counties for improvements in the public school systems of the county; and making appropriations.

By Mr. Robison (Pickens) (With Notice and Proof):

S. 363. Relating to Pickens County; providing for appointment of the county superintendent of education, and for his tenure, qualifications, and compensation; repealing conflicting laws.

By Mr. Robison (Pickens) (With Notice and Proof):

S. 365. To amend Section 1 of Act No. 278, H. 849, Regular Session 1935, an act providing for the nomination and election of members of the court of county commissioners of Pickens County.

By Mr. Roberts:

S. 366. Relating to counties having populations of not less than 115,000 nor more than 165,000; authorizing the court of county commissioners, board of revenue or like governing body to create a special revolving fund for the purpose of purchasing and selling federal revenue stamps as a service to the general public.

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Carr (With Notice and Proof) (With Amendment):

H. 801. Relating to Marshall County; changing the method of compensating certain county officers; placing such officers on a salary; and providing for their assistants and the office space and equipment necessary for the conduct of their offices.

By Mr. Carr (With Notice and Proof) (With Amendment):

H. 802. Relating to Marshall County; abolishing the Board of Revenue and Control and creating in lieu thereof the Commission on Government and Finance of Marshall County; providing for the election of the members of the commission, prescribing their qualifications,

terms, and compensation, providing for the organization, powers, duties, jurisdiction and function of the commission and the authority and duty of its members; and prescribing penalties.

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Turnham (With Notice and Proof):

H. 779. Relating to Lee County; authorizing the county to pay the expenses of the sheriff and his deputies incurred in attending approved courses in Law enforcement training; giving the Act limited retroactive effect.

By Mr. Turnham (With Notice and Proof):

H. 780. To amend Act No. 394, H. 828, Regular Session 1961 (Acts 1961, v. 1, p. 406) in relation to the compensation of the chief deputy and other deputies and assistants of the sheriff of Lee County.

By Mr. Turnham (With Notice and Proof):

H. 781. To provide for the payment of an expense allowance to members of the board of revenue, court of county commissioners or like governing body of Lee County.

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Rast et al (With Amendment):

H. 767. To apply in those counties having a population of not less than 500,000 according to the latest or any subsequent Federal decennial census and to further provide for municipal tax assessments for property annexed to municipalities in such counties, and in newly incorporated areas.

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Roberts:

S. 371. Proposing an amendment to the Constitution relating to levying a special school tax in the school district of the City of Huntsville in Madison County.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Tyson:

S. 377. To amend and reenact Act No. 934, H. 1268, Regular Session 1961 (Acts 1961, p. 1506), which provides for a program of tax equal

zation of all real property in any county of the state having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal decennial census.

By Messrs. Bevill and Scurlock:

H. 854. To authorize the court of county commissioners, board of revenue, or like governing body of certain counties classified on a population basis to prescribe the times when county offices may be closed.

By Mr. Stembriage:

H. 866. Relating to counties having populations of not less than 50,000 nor more than 54,000; to provide that the election precincts of the county as now established shall so remain until changed and the governing body of the county shall have exclusive power to establish, change, consolidate or alter election precincts in such county; to provide that the governing body of the county shall regulate and provide for the use of voting machines at all elections, special, general or primary held within the county, a political subdivision thereof or any municipality therein, and in so doing may, in the manner herein prescribed, divide any voting precinct of the county into districts, designate in each district a voting center at which the qualified electors of the district so designated may vote; to provide the time of changing boundary lines; to prescribe the number of voting machines to be maintained at each voting center; to provide for the use of paper ballots in voting centers where voting machines are not provided; to provide election officers for each voting center; to prescribe the duties of such election officers and fix their compensation; to prescribe the duties of the judge of probate in such elections; to provide for the manner of payment of such election officials; to prescribe the duties of the custodian of voting machines and the executive assistant or chief clerk of the sheriff in such elections.

By Mr. Edington et al (With Notice and Proof):

H. 499. To permit the governing body of Mobile County to establish a Board of Recreation for the supervision and management of recreational programs and facilities within the county, defining the duties and authority of such Board, and authorizing appropriations therefor and donations thereto.

By Mr. Edington et al (With Notice and Proof):

H. 625. To amend Act No. 893, H. 1270, approved September 8, 1961 (Acts of Alabama, 1961, p. 1406), entitled "An Act Relating to Mobile County: To Fix the compensation of the clerk of the Circuit Court of Mobile County."

By Mr. Engel et al (With Notice and Proof):

H. 805. Relating to Mobile County; authorizing the Board of School Commissioners to provide insurance against loss or damage by fire, lightning, windstorm, hail, or other peril, for any or all school buildings and property, equipment, furniture or supplies belonging to such buildings or stored therein which are used or held in trust for school purposes, either in an insurance company chosen by the Board or in the State Insurance Fund.

By Mr. Engel et al (With Notice and Proof):

H. 806. To amend an Act of the General Assembly of Alabama approved February 15, 1876 and entitled "An Act to regulate public schools in the County of Mobile" as last amended by Act of the Legislature of Alabama approved September 19, 1947, by (1) amending that portion of Section 5 of the Act restricting the expenditure of money to purchase or lease property for school purposes necessary for the proper accommodation and comfort of pupils and teachers and for the compensation and bonds of the officers, agents and employees of the Board, to twenty per centum (20%) of the income of the said Board, exclusive of the amounts derived from the State Educational Fund by eliminating the exclusion from the income of the Board the amounts derived from the State Educational fund; and by specifically exempting from the 20% limitation sums expended for constructing, furnishing and equipping of school buildings; (2) and by amending Section 5 of said Act by including specifically in the powers of the Board of School Commissions of Mobile County, the power to invest, in obligations of the United States of America, whether interest-bearing obligations or obligations purchased at discount, moneys in the hands of the Board accumulated from any source, whether from sale of warrants or otherwise, and held in advance of expenditure by the Board in the conduct and performance of its duties and functions.

By Mr. Engel (With Notice and Proof):

H. 813. To amend Code of Alabama 1940, Title 62, Section 114, in relation to the county and city of Mobile and the appointment of humane officers.

By Mr. Holladay (With Notice and Proof):

H. 943. To apply in St. Clair County; regulating further the taking of fish from the Coosa River; authorizing the taking of catfish by the use of baskets, including wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken.

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Sullivan (With Substitute):

H. 696. Relating to counties having populations of not less than 21,850 nor more than 21,950 according to the most recent federal decennial census; authorizing payment of salaries and expense allowances to members of the county board of education.

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hankins (With Notice and Proof):

H. 907. To repeal Act No. 851, H. 1478, Regular Session 1961 (Acts 1961, p. 1277), which authorizes the court of county commissioners, board of revenue, or other like governing body of Lamar County to levy, when approved by a majority of the qualified voters of the County special privilege license and excise taxes paralleling the state sales and use taxes, and provide for the collection and enforcement of such taxes by the state department of revenue.

By Mr. Reynolds:

S. 380. Relating to counties having populations of not less than 26,000 nor more than 27,000; further regulating the pay for school bus drivers employed on a salary basis by boards of education of such counties.

By Mr. Wilson (With Notice and Proof):

S. 384. Relating to Walker County; providing further for the operation, management and control of the county hospital and related or allied facilities, creating a board of managers for the hospital and authorizing the board to appoint a hospital administrator as its chief executive officer.

By Mr. Nichols (With Notice and Proof):

S. 389. To authorize, provide for and regulate the establishment and operation of a pension and retirement system for employees of the City of Sylacauga and certain incorporated and unincorporated municipal boards of such city; to authorize and provide for the establishment of the Sylacauga Employees Pension Trust Fund, provide for the composition, management and administration of such trust fund; and to authorize, provide for and regulate the payment of benefits under the system.

By Messrs. Burnham, Albea and Merrill:

H. 880. Relating to counties having a population of not less than 76,000 nor more than 96,000: Providing for the reidentification of all registered voters; directing the Board of Registrars to purge the list of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

By Mr. McCorquodale:

H. 881. To provide that clerks of county courts or other inferior courts in counties having a population of not less than 25,700 nor more than 25,900, according to the 1960 or any subsequent federal decennial census, may take affidavits and complaints, issue warrants of arrest in misdemeanor and felony cases, and issue search warrants.

By Mr. McCorquodale:

H. 882. Relating to counties having a population of not less than 25,700 nor more than 25,900; regulating further the compensation and expense allowance of county superintendents of education.

By Mr. McCorquodale:

H. 883. To provide an allowance for clerk hire for the circuit court clerk of all counties having populations of not less than 25,700 nor more than 25,900.

By Mr. Stembridge:

H. 904. To amend Title 14, Section 246, Code of Alabama 1940, so as to authorize domino games in billiard rooms in counties having a population of not less than 50,000 nor more than 54,000.

By Mr. Holladay (With Notice and Proof):

H. 942. Relating to St. Clair County; authorizing any bank situated within the county to open, establish, operate and maintain a branch

bank, branch office, or other place of business at Ragland in said county.

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Wood (With Amendment):

H. 952. Relating to counties having populations of not less than 15,300 nor more than 15,400; levying a privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of cigarettes and cigars in such counties providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Posey (With Notice and Proof):

H. 954. To authorize, direct, and require the State Department of Revenue to collect any sales and use taxes which may be levied in the town of Addison, Alabama, in Winston County, Alabama, under the provisions of any ordinances or resolution duly promulgated and adopted by the governing body of the Town of Addison, Alabama to prescribe the power, duties, and authority of the State Department of Revenue with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

By Mr. Holladay (With Notice and Proof):

H. 982. To provide for collection and enforcement by the state department of revenue of sales and use taxes levied or assessed by the town of Ragland, St. Clair County.

By Mr. Hester (With Notice and Proof):

H. 756. To levy in Franklin County a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption in such county of cigarettes and cigars; to require that the tax hereby levied shall be collected by the seller or distributor, added to the sale price of the cigarettes and cigars, and passed on to the purchaser or consumer, and that the price and the tax shall be stated separately on any bill of sale or advertising of such cigarettes and cigars; to provide that the tax shall be in addition to all other taxes now levied by law; to require the affixing of stamps to evidence the payment of the tax, and to provide for obtaining the stamps in the same manner and according to the same rules and regulations that govern the purchasing and affixing of stamps for the payment of the state tobacco tax levied by Title 51, Chapter 20, Article 9, of the Code of Alabama, 1940; to provide for the collection and enforcement of the tax by the state department of revenue in the same manner that the state tobacco tax levied by the above mentioned Article 9 is enforced; to adopt by reference certain provisions of said Article 9, as amended, relative to payment of the tax, records and reports with respect to the tax, and the provisions thereof prescribing penalties for violations; to provide for the distribution and use of the revenue derived from the tax; to

authorize the state department of revenue to make rules and regulations to effectuate the purposes of this Act; and to prescribe additional penalties.

By Mr. Cantrell (With Notice and Proof):

H. 725. To provide for the appointment and compensation of additional deputies of the Sheriff of Colbert County.

By Mr. Hester (With Notice and Proof):

H. 755. To prescribe certain rules of procedure, pleading, and practice relating to the joinder of parties and the rendition of judgment in certain courts in Franklin County, Alabama.

By Mr. Harper (With Notice and Proof):

H. 948. To provide further for purging the lists of registered voters in Tallapoosa County, requiring and prescribing the procedure for reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification of registered voters; and providing penalties for making a wilful false statement in connection with reidentification.

By Mr. Hammond (With Notice and Proof):

S. 391. To alter, rearrange and extend the boundaries and corporate limits of the town of Hammondville in DeKalb County so as to annex certain territory to the town.

By Mr. Carter:

S. 395. To authorize circuit solicitors of circuits composed of only one county with a population under 500,000 and having two courthouses where circuit court is required by law to be held to employ a secretarial assistant; to prescribe the powers, duties and compensation of such secretarial assistant, and to provide for payment of such compensation from the general fund of the county composing such circuit.

By Mr. Roberts (With Notice and Proof):

S. 396. To amend Act No. 472, H. 901, Regular Session 1947, an act regulating the sale of alcoholic beverages in Madison County.

By Mr. Carter (With Notice and Proof):

S. 398. To amend further Section 3 of Act No. 65, H. 81, approved November 4, 1950, an act creating a board of revenue for Jackson County (Acts 1950-51, v. 1, p. 126), in relation to the compensation and expense allowances of members of the board of revenue.

By Mr. Robison (Montgomery) (With Notice and Proof):

S. 403. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 33 and 34, Township 16 North, Range 18 East and Sections 3 and 4, Township 15 North and Range 18 East, Montgomery County, Alabama.

By Mr. McCain:

S. 404. Relating to counties having populations of not less than 100,000 nor more than 115,000 according to the latest or any succeeding

Federal census and providing for the creation of a committee in such counties to coordinate the efforts of the various forces in said counties to promote the economic, cultural and educational welfare of the citizens of such counties; naming the membership of such committees and providing for their functions and duties and the tenure of office of its membership; and to provide that the probate judge of such counties shall be ex officio chairman of such committees; and providing further for the financing of the expenses of such committees.

By Messrs. Nabors, Owens and Burns:

H. 603. Relating to cities having populations of not less than 50,000 nor more than 60,000 according to the most recent federal decennial census, providing an expense allowance for the mayor and city commissioners of such cities.

By Mr. Mashburn:

H. 706. Proposing an amendment to the Constitution relative to the compensation, commissions, fees, percentages and allowances of certain officers of Baldwin County.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Mashburn (With Notice and Proof):

H. 707. To change the method of compensating certain officers of Baldwin County, placing such officers on a salary basis, and providing for the operation of their offices on such basis.

By Mr. Mashburn (With Notice and Proof):

H. 708. Relating to Baldwin County, providing for the establishment of a consolidated and unified system for assessment and collection of taxes, licenses, excises and fees, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

By Mr. Edwards (Escambia) (With Notice and Proof):

H. 741. Relating to Escambia County; providing a central purchasing system for the county and county officers and departments, and for a county purchasing agent.

By Mr. Edwards (Escambia) (With Notice and Proof):

H. 742. To reorganize the governing body of Escambia County; abolishing the Board of Revenue and creating a Board of County Commissioners; repealing conflicting laws.

By Mr. Edwards (Escambia) (With Notice and Proof):

H. 743. To create an inferior court for Escambia County to replace the court created by Act No. 665, H. 1019, Regular Session 1951, abolishing the existing court and providing for a transfer of pending cases.

By Mr. Edwards (Escambia) (With Notice and Proof):

H. 744. To regulate further the compensation of jailers and deputies sheriff of Escambia County.

By Mr. Edwards (Escambia) (With Notice and Proof):

H. 864. To provide for and require the use of voting machines for registering, recording, and computing the votes at all elections hereafter held in Escambia County.

By Mr. Edwards (Escambia) (With Notice and Proof):

H. 865. To amend Act No. 119, H. 393, Regular Session 1959 (Acts 1959, v. 1, p. 641), in relation to the qualifications of the superintendent of education of Escambia County.

By Messrs. Slate and Brewer:

H. 873. Relating to counties having populations of not less than 57,000 nor more than 61,000; providing for payment of special supplementary allowances for probation officers of the juvenile courts of such counties.

By Messrs. Hannah and Boston (With Notice and Proof):

H. 908. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Florence in Lauderdale County so as to annex certain territory to the city.

By Mr. Turner (Limestone) (With Notice and Proof):

H. 915. To amend Section 2 of Act No. 204, H. 544, Regular Session 1959, an act fixing and providing for payment of the compensation of clerks and assistants of certain officers of Limestone County.

By Mr. Turner (Limestone) (With Notice and Proof):

H. 916. To amend Section 3 of Act No. 204, H. 544, Regular Session 1959, an act fixing and providing for payment of the compensation of clerks and assistants of certain officers of Limestone County.

By Messrs. Pennington, Reynolds and Baker (Madison):

H. 919. Relating to counties having populations of not less than 110,000 nor more than 160,000; providing for appointment and compensation of a secretary for the circuit court judges.

By Messrs. Pennington, Reynolds and Baker (Madison):

H. 920. To provide for official court reporters in all circuit courts in all counties in the State of Alabama having a population of not less than 100,000 nor more than 150,000 inhabitants according to the last preceding or any subsequent federal decennial census; to fix the duties and status and authority of such court reporters; and to provide for the appointment of such court reporters by each circuit judge in such counties and to provide for the compensation and salary of such court reporters.

By Messrs. Brewer and Slate (With Notice and Proof):

H. 940. To amend further Section 3 of Act No. 361, H. 878, Regular Session 1939 (Local Acts 1939, p. 248), an act fixing the compensation or salary to be paid the tax assessor of Morgan County and providing clerical assistance for his office.

By Messrs. Brewer and Slate (With Notice and Proof):

H. 941. To amend further Section 3 of Act No. 464, H. 879, Regular Session 1939 (Local Acts 1939, p. 278), an act fixing the compensation or salary to be paid the tax collector of Morgan County and providing him clerical assistance.

By Mr. Pennington:

H. 970. Relating to counties having populations of not less than 110,000 nor more than 160,000; creating an educational survey committee to study, evaluate and make recommendations to the boards of education of such counties for improvements in the public school systems of the county; and making appropriations.

By Mr. Pennington:

H. 971. Authorizing any municipality having a population of not less than seventy thousand nor more than one hundred thirty thousand according to the most recent federal decennial census to create a planning commission having certain powers, duties, and regulations.

By Mr. Pennington:

H. 972. Relating to counties having populations of not less than 115,000 nor more than 160,000; further regulating the sale of alcoholic beverages in such counties and certain municipalities therein.

By Messrs. Brewer and Slate (With Notice and Proof):

H. 977. To alter and rearrange the boundaries of the City of Decatur in Morgan County, so as to exclude certain territory from the corporate limits of the city.

By Messrs. Brewer and Slate (With Notice and Proof):

H. 979. TO AMEND SECTION 7, AS HERETOFORE AMENDED, OF AN ACT ENTITLED "AN ACT" to create the Municipal Utilities Board of Decatur; to provide for its membership; to appoint the members to compose the original Board; to provide the qualifications of members of the Board; to provide the oath of office of members of the Board; to provide the term of office and method of election of members of the Board; to provide the method of impeaching and removing from office members of the Board; to provide the method of filling vacancies in the Board; to provide for the compensation of the members of the Board; to provide for the organization of the Board; to provide for the meetings of the Board; to provide for copies of the records of the Board to be certified by the Secretary to be competent evidence in all courts; to provide the authority and duties of the said Board; to provide for the management and control of the Municipal Electric Distribution System of the City of Decatur by said Board; to provide for the employment by the Board of a manager, clerks, stenographers, attorneys, linemen, repairmen, and any other employees found necessary to be employed by said Board; to provide for official bonds of officers and employees of the Board handling money; to provide for the collection, deposit and distribution of funds received from the operation of said Electric Distribution System; to provide for bond of depository of funds of the Board; to provide method of withdrawal of funds of the Board and signing of warrants for the payment of claims; to provide that in any expenditure for any new construction, additions, or replacements to the electric plant, where the amount to be expended is more

than \$1,000, the expenditure must be approved by the City Council of the City of Decatur; to provide for an annual audit and a semi-annual publication of the financial condition of the system; to provide that said Board shall have the control, management, and operation of any water, gas or other utilities if same should be in the future acquired by the City of Decatur; to provide for the management and operation of such other utilities, and to provide for reports of the Board to the City Council", ADOPTED BY THE LEGISLATURE OF 1939, AND APPROVED ON MARCH 3RD, 1939.

By Mr. Jones (Monroe):

H. 934. Relating to counties having populations of not less than 22,350, nor more than 24,350; providing expense allowances for members of the governing bodies of such counties.

By Mr. Jones (Monroe):

H. 935. Relating to counties having populations of not less than 22,350 nor more than 24,350; providing additional expense allowances for members of the board of education of such counties.

By Mr. Young:

H. 987. Prescribing sheriffs' allowances for transporting juvenile delinquents to places of confinement.

By Mr. Snell (With Notice and Proof):

H. 714. To fix the compensation of the members of the county board of education of Chambers County.

By Mr. Snell (With Notice and Proof):

H. 713. Relating to Chambers County; providing for the relief of Tommie Lee Culbertson and appropriating county funds for such purpose.

By Mr. Locke et al (With Notice and Proof):

H. 967. For the relief of Brenton Clay (B. C.) Clark; provided that the City of Birmingham and the officers thereof be authorized and directed to pay Three Hundred Fifty Dollars (\$350.00) damages sustained in an automobile accident on December 13, 1962, with a vehicle owned by the City of Birmingham and operated by an employee thereof.

By Mr. Vacca et al:

H. 868. To provide in all counties having a population in excess of 600,000 according to the last or any subsequent Federal decennial census, that all officers, authorities, agencies, boards, bureaus or other like entities which receive appropriations from the state, county or municipal governments shall have an annual audit.

By Mr. Teel (With Notice and Proof):

H. 889. To provide for the selection of office assistance for the County Superintendent of Education for Coosa County, Alabama, and to fix the compensation of such help.

By Mr. Teel (With Notice and Proof):

H. 888. Relating to Coosa County; providing additional compensation for certain election officers.

By Mr. Teel:

H. 887. To fix and provide for the payment of the ex officio fees of the clerks of the circuit courts of all counties in this state having populations of not more than 11,800, according to the last or any subsequent federal decennial census.

By Mr. Teel:

H. 886. Relating to counties having populations of less than 10,800; prescribing the compensation of the county superintendents of education.

By Mr. Casey:

H. 884. Relating to counties having populations of not less than 10,800 nor more than 11,800; prohibiting payroll deduction of dues of teachers and school employees in professional organizations; prescribing punishment for violations.

By Mr. Casey:

H. 862. Relating to elections in counties having populations of not less than 10,800 nor more than 12,000, authorizing and providing for a recount of the vote in certain ballot boxes on order of the circuit judge of such counties.

By Mr. Ingram:

H. 721. Relating to counties having populations of not less than 11,000, nor more than 13,000 inhabitants; to fix the expense allowance of the county superintendent of education of such counties.

By Mr. Edington et al:

H. 627. Relating to the powers of cities having populations of not less than 200,000 and not more than 300,000 according to the last or any subsequent federal decennial census; authorizing the governing bodies of such cities to adopt ordinances which protect the historic architectural character of the city, including designating historic districts, creating certain agencies to promote the preservation of such districts, which are located or are to be located in the designated historic districts, and adopting other provisions necessary to effect the purposes of this Act.

By Messrs. McDermott and Engel:

H. 810. To amend and reenact an Act relating to appeals by and on behalf of counties classified according to population, to extend the applicability of the Act.

By Messrs. McDermott and Engel:

H. 811. Relating to elections; authorizing the court of county commissioners, board of revenue or like governing body of certain counties classified according to population to adopt and prescribe the number of voters to be assigned to voting machines on the basis of the type of election held and probable voter participation in such elections.

By Messrs. Engel, McDermott and Hogan:

H. 814. To amend further Act No. 678, H. 1364, Regular Session 1961 (Acts 1961, p. 940), an Act regulating the practice of barbering in counties having populations of not less than 300,000 nor more than 500,000.

By Mr. Engel (With Notice and Proof):

H. 872. To amend Section 1 of Act No. 164, H. 493, Regular Session 1959 (Acts 1959, p. 688), entitled "An Act to authorize and direct the Board of Revenue and Road Commissioners of Mobile County to make available to the sheriff of the county an annual allowance for the purchase of uniforms for deputies sheriff; and to regulate expenditures from such allowance."

Mr. Taylor, Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Fite:

H. 795. To authorize the governing bodies of any two or more counties, or the governing bodies of any two or more municipalities within a single county, or the governing bodies of any two or more municipalities situated within different counties, or the governing bodies of any one or more counties and the governing bodies of any one or more municipalities situated in whole or in part in any one of said counties to establish regions for planning purposes and to appoint regional planning commissions.

Mr. Shelton, Chairman of the Standing Committee on Public Health, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Pierce et al:

H. 294. Further amending Section 9 of Title 22, Code of Alabama 1940, relating to Public Health.

By Mr. Thomas:

H. 122. To establish the State Board of Health as the state radiation control agency for regulating, licensing and inspecting sources and uses of radioactive materials and machines and devices producing ionizing radiation; to authorize the agency to promulgate rules and regulations and prescribe registration, license, and inspection regulations to regulate such materials, machines and devices; to authorize such agency to cooperate and enter into agreement with other agencies of this State, the Federal Government, interstate and state agencies, and groups concerned with control of such materials, machines and devices; to empower the agency to accept and administer loans, grants, or other funds in furtherance of its functions, and to conduct training or research relative to control of sources of ionizing radiation; to provide for the appointment to a Radiation Advisory Board to review and evaluate policies and programs relative to ionizing radiation and to advise the said agency on any matter coming before said agency; to authorize the Governor to enter into certain agreements with the Federal Government; to provide an opportunity for hearings and judicial review by persons affected by agency orders, rules or actions; to provide for enforcement of this Act; to prohibit certain acts relative to any source of ionizing radiation; to prescribe penalties for violation of this Act; to repeal conflicting laws; to provide for the effective date of this Act; and to provide an appropriation for carrying out the purposes of this Act.

Mr. Nichols, Chairman of the Standing Committee on Military, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bethea (M) et al:

H. 471. Providing special educational benefits for the legal children of Thomas Willard Ray, Leo F. Baker, Riley W. Shamburger, and Wade Carroll Gray, four citizens of the State of Alabama who were killed at the Bay of Pigs, Cuba.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Cantrell, Slate, Moore, Brown (Jefferson), Boston, Hannah, Hester, Reynolds, Campbell (Tuscaloosa), Drake, Posey, Rast, Thomas, Snell, Pennington, Campbell (Jackson), Turner (Limestone), Sullivan, Jones (Covington), Gilmore, Bowers, Vacca, Locke, Branyon, Hankins, Etheredge, Carr, Hogan, Harper, Crawford, Teel, Ingram, Meade, Stenbridge, Paulk, Salter, Mashburn, Bassett, Glass, Little, Goodwyn, Doggett, Heflin, Daniel, Fields, Pierce, McCorquodale, Turnham, Nettles, Engel, Rogers, Fite, Young, Turner (Crenshaw) and Casey:

H. 184. To amend Section 90, Title 8, Code of Alabama 1940, as last amended by Act No. 783 of the General Acts of Alabama 1951, page 1378, approved September 11, 1951.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 184 — to the Committee on Fish and Game

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Fite:

H. 871. To provide that an amount for additional first year depreciation on certain property equal to the amount of investment credit allowed thereon as authorized by Federal revenue acts shall be allowed as an additional deduction in determining net income for State income tax purposes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 871 — to the Committee on Finance and Taxation

REPORT FROM RULES

The Rules Committee offered the following Majority Report, to-wit:

S. R. 40 BE IT RESOLVED by the Senate that the following shall be the special, paramount and continuing order of business today immediately following reports of standing committees superseding all and any prior special, paramount and continuing orders of business:

H. 94	p. 50
H. 734	p. 75
H. 388	p. 79
H. 93	p. 21
S. 145	p. 4
H. 449	p. 15
H. 494	p. 86
S. 336	p. 76
H. 42	p. 6
H. 574	p. 59
H. 575	p. 59
H. 131	p. 69
S. 210	p. 15
S. 275	p. 38
S. 117	p. 16
S. 68	p. 13
H. 230	p. 16
S. 340	p. 66
S. 116	p. 31
H. 235	p. 65
S. 328	p. 82
S. 195	p. 45
H. 417	p. 63
H. 247	p. 19
S. 180	p. 54
H. 414	p. 16
H. 41	p. 67
S. 48	p. 10
S. 221	p. 25
H. 183	p. 67
S. 268	p. 29

The Rules Committee offered the following Minority Report, to-wit:

BE IT RESOLVED by the Senate that the following shall be the special, paramount and continuing order of business today on the call of the calendar, superseding all and any prior special, paramount and continuing orders of business:

H. 94	p. 50
H. 734	p. 75
H. 42	p. 6
H. 574	p. 59

H. 575	p. 59
S. 368	p. 70
S. 175	p. 35
H. 131	p. 69
H. 390	p. 81
S. 4	p. 3
H. 284	p. 52
H. 285	p. 68
S. 370	p. 80
S. 210	p. 15
H. 309	p. 24
H. 310	p. 24
S. 227	p. 17
S. 275	p. 38
S. 117	p. 16
S. 68	p. 13
H. 230	p. 16
S. 340	p. 66
S. 18	p. 5
S. 20	p. 5
S. 344	p. 64
S. 116	p. 31
S. 312	p. 65
H. 235	p. 65
S. 328	p. 82
S. 195	p. 45
H. 123	p. 23
H. 417	p. 63
H. 247	p. 19
S. 180	p. 54
S. 283	p. 67
H. 96	p. 64
H. 419	p. 26
H. 414	p. 16
H. 41	p. 67
H. 379	p. 69
S. 48	p. 10
S. 189	p. 27
S. 248	p. 31
S. 221	p. 25
H. 183	p. 67
S. 268	p. 29

RECESS

At 11:55 A. M., on motion of Mr. Mathews, pending further consideration of S. R. 40, the Senate took a recess until 12:25 P. M. today.

Yeas 22; Nays 8.

Yeas:

Messrs.	Cooper	James	Nichols
Adams	Eddins	Lolley	Reynolds
Allen	Evans	Lowe	Taylor
Bentley	Givhan	Mathews	Tyson
Brannon	Hammond	Metcalf	Wilson
Clark	Horton	Montgomery	

Nays:

Messrs.
Dumas
Gilchrist

Hawkins
Hornsby

McCain
Oden

Robison (Montgomery)
Robison (Pickens)

—8

AFTERNOON SESSION

TWENTY-NINTH LEGISLATIVE DAY

FRIDAY, AUGUST 9, 1963

The Senate re-assembled at 12:25 P. M., Lieutenant Governor Allen presiding.

ROLL CALL

Present:

Messrs.
Adams
Allen
Bentley
Brannon
Clark
Cooper
Dumas
Eddins

Evans
Gilchrist
Givhan
Hammond
Hawkins
Hornsby
Horton
James
Lolley

Lowe
Mathews
McCain
Metcalf
Montgomery
Nichols
Oden
Reynolds

Roberts
Robison (Montgomery)
Robison (Pickens)
Shelton
Smith
Taylor
Tyson
Wilson

—33

UNFINISHED BUSINESS

The Senate proceeded to consideration of the unfinished business of the Morning Session which was the Resolution:

S. R. 40 — Setting special orders.

The question was on the Minority Report of the Rules Committee which said report is set out at length in the Journal of the Senate, Morning Session, Twenty-Ninth Legislative Day. On motion of Mr. Adams, said Minority Report was laid on the table.

Yeas 21; Nays 10.

Yeas:

Messrs.
Adams
Brannon
Clark
Cooper
Eddins

Evans
Givhan
Hammond
James
Lolley
Lowe

Mathews
Metcalf
Nichols
Oden
Reynolds

Shelton
Smith
Taylor
Tyson
Wilson

—21

Nays:

Messrs.
Allen
Bentley

Dumas
Gilchrist
Hawkins

Hornsby
Horton
Roberts

Robison (Montgomery)
Robison (Pickens)

—10

The question recurred on S. R. 40, the Majority Report of the Rules Committee, which said Majority Report is set out at length in the Journal of the Senate, Morning Session, Twenty-Ninth Legislative Day.

Mr. Hawkins offered the following amendment to the Resolution, S. R. 40, to-wit:

AMENDMENT TO S. R. 40

Amend the special order reported by the Rules Committee by adding thereto between H. B. 388 and H. B. 93, the following:

S. B. 181 on page 27 of the calendar

S. B. 248 on page 31 of the calendar

On motion of Mr. Adams, said amendment was laid on the table.

Yeas 19; Nays 10.

Yeas:

Messrs.	Dumas	Lolley	Reynolds
Adams	Givhan	Lowe	Smith
Brannon	Hammond	Mathews	Taylor
Clark	Hornsby	Montgomery	Tyson
Cooper	James	Nichols	Wilson

—19

Nays:

Messrs.	Gilchrist	Metcalf	Robison (Montgomery)
Allen	Hawkins	Oden	Robison (Pickens)
Eddins	Horton	Roberts	

—10

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Oden:

S. 432. To amend Section 71 of Act Numbered 414, Approved November 13, 1959, (Acts of Alabama, 1959, page 1055) entitled "An Act To provide further for the organization, admission, consolidation, merger, and dissolution of certain corporations, and to prescribe the powers, authority, and duties of such corporations, and of the officers, directors, and stockholders thereof; subject to the provisions of Section 100 of this Act, to repeal Sections 1 through Section 15, Sections 17 and 18, Sections 22 through 47, Section 70, Sections 91 through 101, Sections 103 through 110, Sections 189 through 197, all as contained in Title 10 of the Code of Alabama of 1940 as amended; and Section 198 of Title 10 of the Code of Alabama of 1940."

Committee on Corporations.

By Messrs. Tyson, Robison (Montgomery), and Dumas:

S. 433. To amend the title, as last amended, and to amend Section 1, as last amended, Section 7, as last amended, Section 9, as last amended, and Section 10, as last amended, and to repeal Section 11, all of Act No.

529, General Laws of Alabama, approved September 2, 1949 (Acts of Alabama, 1949, p. 827 et seq.) entitled, "An Act to apply in all counties of this State having a population of not less than 140,000 according to the last or any subsequent Federal census and to provide for the protection of public health and safety in such counties by requiring persons to establish their competency as plumbers before doing or supervising plumbing in said counties in this State; to create a board to be known as the Plumbers Examining Board; to define plumbing, master plumbers, journeymen plumbers and subjects related to plumbing; to provide for the appointment of the members of said Plumbers Examining Board and their term of office; to provide for the payment of compensation to the members of said Board and the employees thereof, and to provide for the payment of expenses incurred by the members of said Board and its employees; to define the powers conferred upon the duties imposed upon said Board; to provide funds for the maintenance, operations and functions of said Board; to provide for the examination and certification of master plumbers and journeymen plumbers; to provide for the payment of examination fees and certificate fees; to empower the said Board to revoke certificates; to provide for appeals from the ruling of the Board; to provide for the execution and filing of bonds by plumbers; to provide penalties for the violation of this Act," as heretofore amended.

Committee on Local Legislation.

REPORTS OF COMMITTEES

Mr. Taylor, Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Jones (Monroe) and Brewer:

H. 819. To amend Sections 9 and 14 of Act No. 762 enacted at the 1951 Regular Session of the Legislature of Alabama, as amended, so as to provide that a gas district organized under the provisions of said act, as amended, may issue refunding bonds (whether or not the bonds to be refunded are then subject to redemption) in principal amount not exceeding the principal amount of the bonds to be refunded plus any premium necessary to redeem or retire any such bonds, any interest (accrued or to accrue) on such bonds to the date of redemption or retirement thereof and any expenses estimated to be incurred in connection with such refunding, so as to provide that any such refunding bonds may be issued by sale or exchange or any combination thereof, so as to authorize any such district to issue bonds for the combined purpose of so refunding any of its bonds and of acquiring, constructing, providing, improving or extending any gas system or systems and so as to specify with more particularity the purposes for which the proceeds from any such refunding bonds shall be used.

By Mr. Roberts:

S. 405. To amend Section 511 of Title 37 of the Code of Alabama of 1940 so as to enlarge the said section to include other public cultural facilities.

Mr. Adams, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Turner (Crenshaw), Brewer and Fite:

H. 1007. To regulate the lending of money repayable in installments, whether secured or unsecured, in amounts in excess of \$300 by those holding a license under the Alabama Small Loan Act, or by a "related company" as defined herein; to provide the maximum rate of interest and other charges on such transactions; to regulate such transactions; to prescribe penalties for the violation of this Act; to provide for the repeal of inconsistent laws heretofore enacted; to provide exemptions from the provisions of this Act; to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision; to provide when this Act shall take affect.

FURTHER CONSIDERATION OF S. R. 40

The Senate proceeded to further consideration of the Resolution, S. R. 40. Setting Special Orders.

Mr. Metcalf then offered the following amendment to the Resolution, S. R. 40, to-wit:

AMENDMENT TO S. R. 40

Amend the special order set forth in the Rules Committee Report by striking therefrom the following bill:

Senate Bill 336 on page 76

On motion of Mr. Adams, said amendment was laid on table.

Yeas 24; Nays 7.

Yeas:

Messrs.	Evans	Lolley	Robison (Montgomery)
Adams	Gilchrist	Lowe	Robison (Pickens)
Brannon	Givhan	Mathews	Smith
Clark	Hammond	Montgomery	Taylor
Cooper	Hornsby	Nichols	Tyson
Dumas	James	Reynolds	Wilson
Eddins			

—24

Nays:

Messrs.	Bentley	Metcalf	Roberts
Allen	Hawkins	Oden	Shelton

—7

Mr. Robison (Montgomery) offered the following substitute for the Resolution, S. R. 40, to-wit:

S. R. 40. BE IT RESOLVED by the Senate that the following shall be the special, paramount and continuing order of business today on the call of the calendar, superseding all and any prior special, paramount and continuing orders of business:

H. 94
H. 734

H. 42
 H. 574
 H. 575
 S. 368
 S. 175
 H. 131
 H. 390
 S. 4
 H. 284
 H. 285
 S. 370
 S. 210
 H. 309
 H. 310
 S. 227
 S. 275
 S. 117
 S. 68
 H. 230
 S. 340
 S. 18
 S. 20
 S. 344
 S. 116
 S. 312
 H. 235
 S. 328
 S. 195
 H. 123
 H. 417
 H. 247
 S. 180
 S. 283
 H. 96
 H. 419
 H. 414
 H. 41
 H. 379
 S. 48
 S. 189
 S. 248
 S. 221
 H. 183
 S. 268
 H. 388
 H. 93
 S. 145
 H. 449
 H. 494
 S. 336

On motion of Mr. Nichols, said substitute was laid on the table.

Yeas 17; Nays 6.

Yeas:

Messrs.
 Adams
 Allen
 Brannon
 Clark

Cooper
 Evans
 Givhan
 Hammond
 James

Lolley
 Lowe
 Mathews
 Metcalf

Montgomery
 Nichols
 Reynolds
 Taylor

Nays:

Messrs. Gilchrist	Hornsby McCain	Robison (Montgomery) Robison (Pickens)	Smith —6
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Mr. Robison (Montgomery) offered the following substitute for the Resolution, S. R. 40, to-wit:

SUBSTITUTE FOR S. R. 40

S. R. 40. Be It Resolved by the Senate that the following shall be the special, paramount & continuing order of business today on the call of the calendar, superseding all & any prior, special, paramount & continuing order of business:

H. 94	Page 50
H. 734	Page 75
H. 388	Page 79
H. 93	Page 21
S. 145	Page 4
H. 449	Page 15
H. 494	Page 86
S. 336	Page 76

Mr. Dumas moved that further consideration of the Resolution, S. R. 40, be postponed until the Senate completed action on S. B. 78. On motion of Mr. Adams, the motion to postpone was laid on the table.

Yeas 19; Nays 11.

Yeas:

Messrs. Adams Allen Brannon Clark	Cooper Eddins Evans Givhan Hammond	James Lolley Lowe Mathews Metcalf	Montgomery Nichols Oden Reynolds Taylor
			—19

Nays:

Messrs. Bentley Dumas	Gilchrist Hawkins Hornsby	Horton McCain Roberts	Robison (Montgomery) Robison (Pickens) Smith
			—11

MOTION TO RECESS LOST

At 2:30 P. M., Mr. Shelton moved that the Senate take a recess until 2:45 P. M. today, which motion was lost.

Yeas 13; Nays 14.

Yeas:

Messrs. Allen Bentley Dumas	Eddins Gilchrist Hawkins Hornsby	Horton McCain Roberts	Robison (Montgomery) Robison (Pickens) Shelton
			—13

Nays:

Messrs.	Givhan	Lowe	Oden
Brannon	Hammond	Metcalf	Smith
Clark	James	Montgomery	Taylor
Cooper	Lolley	Nichols	

—14

FURTHER CONSIDERATION OF S. R. 40

The Senate proceeded to further consideration of the Resolution, S. R. 40. The question was on the substitute offered by Mr. Robison (Montgomery).

RECESS

At 2:40 P. M., on motion of Mr. Cooper, the Senate took a recess until 3:10 P. M. this afternoon.

The recess period having expired, the Senate was called to order by Honorable James B. Allen, President and Presiding Officer of the Senate.

A quorum of the Senate was present.

FURTHER CONSIDERATION OF S. R. 40

The Senate proceeded to further consideration of the Resolution, S. R. 40. The question was on the substitute offered by Mr. Robison (Montgomery).

ADJOURNMENT

At 3:30 P. M., on motion of Mr. Nichols, pending further consideration of S. R. 40 and S. B. 78, the Senate adjourned until Tuesday, August 13, 1963, at 10 o'clock A. M.

THIRTIETH LEGISLATIVE DAY

TUESDAY, AUGUST 13, 1963

The Senate met pursuant to adjournment, Lieutenant Governor Allen presiding.

PRAYER

The Session was opened with prayer by the Reverend Herman C. Parrott, Pastor, Safford Baptist Church, Safford, Alabama.

ROLL CALL

Present:

Messrs.	Eddins	Lolley	Reynolds
Adams	Evans	Lowe	Roberts
Allen	Gilchrist	Mathews	Robison (Montgomery)
Bentley	Givhan	McCain	Robison (Pickens)
Brannon	Hammond	McDow	Shelton
Carter	Hawkins	Metcalf	Smith
Clark	Hornsby	Montgomery	Taylor
Cooper	Horton	Nichols	Tyson
Dumas	James	Oden	Wilson

—35

JOURNAL

On motion of Mr. Eddins, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, had carefully examined the Journal of the Senate for the Twenty-Ninth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

WILLIAM C. MCCAIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. McCain, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Ninth Legislative Day was approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Campbell (Tuscaloosa), McCorquodale, Cantrell and Reynolds:

H. 205. Relating to hunting; prohibiting the taking or killing of deer from any boat, vessel or floating device providing for the penalty therefor and prescribing rules of evidence in such cases.

Also:

By Messrs. Beville and Scurlock:

H. 949. To provide for the City of Jasper in Walker County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the Act; imposing penalties for violations; and repealing conflicting laws.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for the City of Jasper in Walker County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the Act; imposing penalties for violations; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in the City of Jasper in Walker County.

Section 2. As used in this Act, unless the context clearly requires a different meaning: "city" means the City of Jasper in Walker County; "employee" means any person including firemen and policemen, not excepted by Section 3 of this Act who is employed in the service of the City of Jasper; "board" means the civil service board created by this Act; "appointing authority" means in the case of employees in the offices of the elected officers of the city, such elected officers; in the case of all other city employees, the city governing body, or the board or other agency supervising their work.

Section 3. The provisions of this Act shall apply to all officers and employees in the service of the city or any board, agency or instrumentality thereof except: (a) elective officers; (b) members of appointive boards, commissions, and committees; (c) all employees of the city board of education engaged in the profession of teaching or in supervising teaching in the public schools; (d) attorneys, physicians, surgeons, nurses and dentists employed in their professional capacities; (e) the judge of any court; (f) independent contractors receiving their remuneration from public funds under contracts awarded by competitive bidding; (g) any person whose employment is subject to the approval of the United States government or any agency thereof.

Section 4. All employees of the city shall be governed by civil service rules and regulations prescribed in or promulgated pursuant to this Act, administered by a civil service board, the creation of which is provided for in Section 5 hereof. Present employees shall remain in their respective employment during good behavior; but nothing herein shall be construed to prevent or preclude the removal of an employee for cause in the manner hereinafter provided; and such employees, except for appointment, shall be subject fully to the provisions of this Act.

Section 5. There is hereby created the Civil Service Board of the City of Jasper, which shall be composed of three members appointed by the Governor, upon nomination in writing by members of the Walker County legislative delegation, as follows: the senator and each representative may submit not more than three nominations for each place to be filled, and the appointment, or appointments, shall be made from among those persons thus nominated; if the same person is nominated by all members of the delegation the person thus nominated shall be appointed; if the legislative delegation is divided, the nominee favored by the majority shall be appointed. If no person receives a majority nomination, each member of the legis-

lative delegation may forthwith submit in writing an additional nominee until some person receives a majority nomination and such person shall be forthwith appointed. Of the first members of the board one shall be appointed for a term of two years, one for a term of four years, and one for a term of six years. No person shall be appointed to the board who is not a resident and qualified elector of the City of Jasper and over the age of twenty-five years. No member of the board shall hold any office of profit under the city, the county, or the State of Alabama. Members of the board shall take the constitutional oath of office, which shall be filed in the office of the probate judge. Vacancies on the board shall be filled for the unexpired term by the Governor, in the same manner as original appointments. Nominations to fill a vacancy must be submitted to the Governor within thirty days after the vacancy occurs, and the Governor must make the appointment forthwith. The members of the Board shall elect a chairman and secretary from among their number. Any member of the Board who becomes a candidate for, or is appointed or elected to another public office vacates his office as a member of the Board and the mayor or other chief executive officer of the City of Jasper shall forthwith notify the Governor, who shall fill the vacancy as provided in this section.

Section 6. Members of the Board shall be paid ten dollars for each regular meeting of the Board attended and ten dollars for each meeting attended at which charges against an employee are heard and determined or at which appeals to the Board by employees are heard and determined; provided, that no member shall be paid more than one hundred twenty dollars in any one year. The board shall have power to appoint clerical assistance and engage legal council of its own choice.

Section 7. The Board shall fix the times for its regular meetings; and it may hold special, adjourned or call meetings at any time. A majority of the members of the Board shall constitute a quorum for the transaction of business. All meetings of the Board shall be held in the city hall.

Section 8. The Board shall keep minutes of its meetings and a record of all business transacted by it. Its records, except those the rules of the Board require to be held confidential for reason of public policy, shall be open for inspection by any resident of the city at all reasonable times.

Section 9. The Board shall have power to make rules and regulations governing examinations, eligible registers, appointments, transfers, salaries, promotions, demotions, annual and sick leave, and such other matters as may be necessary to accomplish the purposes of this Act. A rule or regulation may be made effective only after a public hearing as held on the proposal thereof and after a certified copy thereof has been filed with the city clerk. All employees shall be appointed upon a non-partisan merit basis. There shall not be appointed, and the Board shall not examine, any person who is not a citizen of the United States. The Board shall 1) classify the different types of services to be performed in the service of the city; 2) prescribe qualifications, including those of education, training, and experience, for the appointees and incumbents of each class; 3) with the approval of the appointing authority, fix a maximum and minimum salary for each class; and 4) allocate each position in the service to its proper class. It shall provide for the periodic rating of employees according to their merit to determine whether they are maintaining standards of service. The Board shall establish rules and regulations governing dismissals, suspensions, layoffs, terminations, and leaves of ab-

sence, and the severance of an employee's relationship with the city shall be in accordance with such regulations.

Section 10. The salary to be paid each subordinate employee shall be determined by his appointing authority; and the salary to be paid each department head employee shall be determined by the city governing body; but in every case the salary paid shall be within the pay plan and pay rules and regulations established by the Board and shall be no more than the Board approves. It shall be unlawful for any official or employee to draw or issue any warrant on the city treasury for the payment of salary to any employee covered by the provisions of this Act unless the warrant is in an amount authorized by the Board to be paid such employee. A sum paid as salary contrary to the provisions of this section may be recovered in an action brought by any resident of the city against the official or employee who draws or issues the warrant, or against the sureties on his bond.

Section 11. The Board shall make and keep a register of all persons eligible and available for appointment to each class of position in the service of the city, ranked according to ability; it is provided, however, that no examination shall be given and no register kept for positions to be filled by persons designated by the Board as common laborers. Layoffs available for reemployment shall be placed at the head of the proper present and subsequent eligible registers in the inverse order of their terminations. Employees who voluntarily terminate their services may be granted reemployment status upon proper eligible registers under such circumstances and in such manner as may be provided for in the Board's rules and regulations, subject, however, to stipulations of this section concerning layoffs. Persons desiring appointment may file application with the Board and the Board shall, from time to time, conduct examinations to test the ability of such applicants. All qualified applicants shall be examined and examinations shall be public, competitive, and subject to limitations specified by the Board as to age, residence, health, height, weight, habits, moral character, and other factors pertinent to ability to discharge the duties of the position, open to all citizens of the United States. Examinations shall be practical in character and shall relate to those matters which test the ability of the person examined to discharge intelligently the duties of the position for which he applies. In no case shall an appointment be made from an eligible register which is more than two years old, and no eligible register shall be the result of more than one examination.

Section 12. Whenever a vacancy exists in any position in the service of the city, it shall be filled by appointment of one of the three persons who rank highest on the appropriate eligible register of the Board or by transfer within the service of the city from another position of the same class. However, the ranking layoff of the same class shall be appointed in every instance. Whenever it is impossible for the Board to certify eligible persons to a vacancy, the Board may authorize the appointing authority to fill the vacancy temporarily pending the establishment of an eligible register. No such authorization may be given for longer than one hundred and twenty days, and no such employee shall have status under this Act. All appointments, other than temporary appointments, shall be probationary for six months from the date of appointment. A probationary subordinate employee may be discharged by his appointing authority for unsatisfactory service at any time before the expiration of that period if the action is approved by the Board; a probationary department head employee may be discharged or demoted similarly by his appointing authority upon approval by the Board. After the expiration of the probationary period, an appointment shall become permanent.

Section 13. An appointing authority shall have authority to suspend an employee for any personal misconduct, or fact, affecting or concerning his fitness or ability to perform his duties in the public interest. In the event an employee is suspended for more than thirty days, he shall be entitled to a public hearing by the Board upon written demand filed within five days from the date of the order of suspension. If, after hearing, the Board determines that the action of the appointing authority was not with cause, the suspension shall be revoked.

Section 14. (a) The governing body of the city, any member of the governing body, or the head of any department or office can remove, discharge, or demote any employee, officer or official of the city who is subject to the provisions of this Act and who is directly under such governing body, member thereof, or department head, provided that within five days a report in writing of such action is made to the Board, giving the reason for such removal, discharge, or demotion. The employee shall have ten days from the time of notification of his discharge, removal, or demotion in which to appeal to the Board. The Board shall thereupon order the charges or complaint to be filed forthwith in writing and shall hold a hearing de novo on such charges. No permanent employee, officer, or official of the city whose employment comes within the jurisdiction of this Act, and whose probationary period has been served, shall be removed, discharged or demoted except for some personal misconduct, or fact, rendering his future tenure harmful to the public interest, or for some cause affecting or concerning his fitness or ability; and if such removal, discharge or demotion is appealed to the Board, then the same will become final only after a hearing upon written charges or complaint has been had and after an opportunity has been given him to face his accusers and be heard in his own defense. Pending a hearing on said appeal, the affected employee may be suspended; and after such hearing the Board may order said employee reinstated, demoted, removed, discharged, or suspended, or take such other disciplinary action as in their judgment is warranted by the evidence and under the law. Charges may be filed by any resident citizen of the city as follows: The charges must be in writing, must set forth succinctly the matters complained of, and must be sworn to before any member of the Board or before any person authorized to administer oaths. Upon the receipt of such charges, the Board, after due consideration, shall determine whether in its opinion it considers that the good of the service will be served by a trial thereon; and, if not, such charges may be dismissed by the Board. If in the judgment of the Board such charges are of a minor nature, such charges may be referred by the Board to the proper department head who shall make an investigation of the charges and make his recommendation to the Board within such time as the Board may prescribe, as to what disciplinary action, if any, should be taken. After such recommendation is made by the department head and after due notice is given to the affected employee of the receipt of such recommendation and the contents thereof, the Board may in its discretion, adopt and order executed the action recommended by the department head or any part thereof. However, if the complainant or the affected employee, or both of them, objects to the recommendation of the department head, the Board shall hold a public hearing de novo on the charges, and take such disciplinary action as in their judgment is warranted by the evidence and under the law. All hearings before the Board shall be open to the public. All testimony given in all hearings before the Board shall be taken down in shorthand by a stenographer. In all cases, the decision of the Board shall be reduced to writing and entered in the record of the case. In all proceedings before the Board, the city attorney may appear and prosecute all charges instituted by

the city governing body or any member thereof or by any department head, when requested or directed to do so by such city governing body. It shall not be the duty of the city attorney to prosecute any charges brought by a private citizen. In all proceedings before the Board, the city attorney may appear and represent the interests of the city, and he shall also give such legal advice and legal assistance to the Board as may be requested by it.

The Board and its specially authorized representatives shall have the power to administer oaths, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in connection with any hearing, investigation, or proceeding within the purview of this Act. The chief of police or some other police officer of the city shall serve all processes of the Board, and shall attend upon and preserve order at all public hearings conducted by the Board. In case a person refuses to obey such subpoena, the Board or its representative may invoke the aid of any circuit court in order that the testimony or evidence be produced. Upon proper showing, such court shall issue a subpoena or order requiring the person to appear before the board or its representative and produce all evidence and give all testimony relating to the matter in issue. A person who fails to obey such subpoena order may be punished by the court as for contempt. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the circuit courts of this State, which fees shall be paid from the treasury of the city.

(b) Any person aggrieved by a decision of the Board may appeal such decision to the circuit court of Walker County in equity within thirty days from the rendition of such decision by the Board. Review by the court shall be without a jury and be confined to the record, and to a determination of the questions of law presented; the Board's findings of fact shall be final and conclusive.

Section 15. No employee shall make, solicit or receive any assessment, donation, subscription or contribution for any political purpose whatsoever, or be a member of a committee or an officer of a political party, or take any part in its management or affairs except to exercise his right as a citizen to express his opinion and cast his vote; no employee shall assist any candidate for nomination or election to public office, or make any public statement in support of or against any such candidate, or participate in any manner whatever in the campaign of any candidate in any general or primary election; and no employee shall receive any appointment or advancement as a reward for his support of a candidate for office or a political party; or shall he be dismissed, suspended or reduced in rank or pay as punishment for his failure to support any candidate for political office.

Section 16. The compensation and all other expenses of the Board arising under the provisions thereof shall be paid from funds of the city on the order of the Board in the same manner as other city salaries and expenses are paid, provided, however, that the total expenditures in any one year shall not exceed three thousand dollars (\$3,000.00) without the approval of the city governing body. The city governing body shall provide the Board an office in the city hall, which shall be suitably equipped and furnished for the needs of the Board, and telephone service, postage, office supplies, and stationery.

Section 17. Any person in the service of the city by appointment under civil service rules or regulations who wilfully violates any provisions of this Act, or any rule or regulation issued in pursuant thereof, shall be dismissed from service under the system and shall not be re-appointed for two years.

Section 18. Any person who violates any of the provisions of this Act shall be guilty of a misdemeanor.

Section 19. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. All laws or parts of laws which conflict with this Act are repealed.

Section 21. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF WALKER

Before me, the undersigned authority in and for said County in said State, this day personally appeared Richard Dowis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Daily Mountain Eagle, a newspaper of general circulation published in Walker County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 24, July 1, July 8, and July 15, all in the year 1963.

RICHARD DOWIS,

Sworn to and subscribed before me July 15, 1963.

FAY O'REAR,
Title Notary Public.

Also:

By Messrs. Burns, Nabors and Owens:

H. 963. Relating to counties having populations of not less than 96,000 nor more than 106,000; providing expense allowances for certain county officers.

Also:

By Messrs. Brewer and Slate:

H. 978. To alter, rearrange, and extend the boundaries of the City of Decatur in Morgan County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE is hereby given that at the present session or any future session of the Legislature of Alabama a Bill substantially as follows will be introduced and application for its enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To alter, rearrange, and extend the boundaries of the City of Decatur in Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Decatur in Morgan County are hereby altered, rearranged, and extended so as to include within the corporate limits of such city, in addition to the territory included within the present corporate limits, the following described territory:

The SE¼ of the NE¼ of Section 12, Township 6 South, Range 5 West, containing 40 acres, more or less.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared B. C. Shelton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of The Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 25, July 2, July 9, and July 16, all in the year 1963.

B. C. SHELTON,

Sworn to and subscribed before me July 18th, 1963.

R. H. JERVIS,
Title Notary Public.

Also:

By Mr. Engel:

H. 812. To regulate further the office of sheriff in counties having populations of more than 300,000 and less than 500,000, according to the last or any subsequent federal decennial census: To exempt sheriffs of such counties from liability for the acts of their deputies, except in certain cases.

Also:

By Mr. Paulk:

H. 996. Relating to Bullock County; authorizing the county governing body to formulate and adopt rules and regulations for the enforcement and collection of certain taxes levied under authority of Constitutional Amendment No. CXXVIII and to allocate and expend the proceeds thereof and to adopt appropriate ordinances and resolutions implementing the amendment.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL

STATE OF ALABAMA COUNTY OF BULLOCK

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Bullock County; authorizing the county governing body to formulate and adopt rules and regulations for the enforcement and collection of certain taxes levied under authority of Constitutional Amendment No. CXXVIII and to allocate and expend the proceeds thereof and to adopt appropriate ordinances and resolutions implementing the amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or like governing body of Bullock County may by resolution or ordinance duly adopted prescribe such reasonable rules and regulations as may be necessary for the efficient enforcement and collection of any tax levied under authority of Amendment No. CXXVIII of the Constitution of Alabama, and may employ such personnel, fix their duties and compensation, and to otherwise allocate and spend the proceeds of any such tax for any purpose which in the judgment of the county governing body is necessary and proper and consistent with the purposes and objectives of the amendment authorizing such tax levy.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF BULLOCK

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. H. Garner, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Union Springs Herald, a newspaper of general circulation published in Bullock County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 4, July 11, July 18, and July 25, all in the year 1963.

W. H. GARNER,

Sworn to and subscribed before me July 29, 1963.

RUBY M. GARNER,
Title Notary Public.

Also:

By Mr. Heflin:

H. 999. To provide for the compensation of jurors in Chilton County.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for the compensation of jurors in Chilton County.

Be It Enacted by the Legislature of Alabama:

Section 1. Regular jurors, grand and petit, serving in Chilton County are entitled to ten dollars for each day's services, five cents for each mile traveled in going to and returning from court, and ferriage and toll, to be proved by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate, stating therein the number of days he has served, the number of miles he has traveled, the amount of ferriage and toll he has paid, and the amount of compensation to which he is entitled. The certificate shall be receivable in payment of county taxes, and other county dues, and payable out of the county treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CHILTON

Personally appeared before the undersigned, a Notary Public in and for said county and state, Bob Tucker, Publisher of the Chilton County News, a newspaper published at Clanton, County of Chilton, State of Alabama, who being duly sworn, states on oath that the advertisement, a true copy of which is hereto attached, was published in said newspaper in its issues of: 5 day of July, 1963, 11 day of July, 1963, 18 day of July, 1963, 25 day of July, 1963.

BOB TUCKER,
Publisher.

Subscribed and sworn to before me this 29th day of July, 1963.

R. M. TUCKER,
Notary Public.

Also:

By Mr. Drake:

H. 1008. Prohibiting the use of convict labor by the State Highway Department in the construction, repair, and maintenance of certain county roads and bridges.

Also:

By Mr. Moore:

H. 1022. To exempt the G. C. Lingerie Corporation, located at Town Creek, Lawrence County, Alabama, from all ad valorem, franchise, and other taxes, general and special, State and County, and from all licenses and permits, not required to be paid by the Constitution of Alabama, for a period of ten years, beginning October 1, 1958, and providing that any person who collects, or attempts to collect, any such taxes, or licenses, or permits from said Corporation, during such ten year period, shall be guilty of a misdemeanor and shall, on conviction, be punished as provided by Section 327 of Title 15 of the Code of Alabama of 1940.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF LAWRENCE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To exempt the G. C. Lingerie Corporation, located at Town Creek, Lawrence County, Alabama, from all ad valorem, franchise, and other taxes, general and special, State and County, and from all licenses and permits, not required to be paid by the Constitution of Alabama, for a period of ten years, beginning October 1, 1958, and providing that any person who collects, or attempts to collect, any such taxes, or licenses, or permits from said Corporation, during such ten year period, shall be guilty of a misdemeanor and shall on conviction, be punished as provided by Section 327 of Title 15 of the Code of Alabama of 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. The G. C. Lingerie Corporation, located at Town Creek, Lawrence County, Alabama, is exempted from the payment of all ad valorem franchise, and other taxes, general and special, both State and County, and from all licenses and permits, unless such taxes, licenses, or permits are required to be paid by the Constitution of Alabama, for a period of ten years, beginning October 1, 1958.

Section 2. Any person who collects, or attempts to collect, any ad valorem, franchise, or other taxes, general or special, not required

to be paid by the Constitution of Alabama, or who collects, or attempts to collect, any license or permit, from the G. C. Lingerie Corporation, located at Town Creek, Lawrence County, Alabama, for a period of ten years, beginning October 1, 1958, shall be guilty of a misdemeanor, and shall, on conviction, be punished as provided by Section 327 of Title 15 of the Code of Alabama of 1940.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF LAWRENCE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Arthur F. Slaton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of The Moulton Advertiser, a newspaper of general circulation published in Lawrence County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 20, June 27, July 4, and July 11, all in the year 1963.

ARTHUR F. SLATON,

Sworn to and subscribed before me July 23, 1963.

R. E. PROCTOR,
Title Notary Public.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 205 — to the Committee on Fish and Game

H. B.'s 949, 963, 978, 812, 996, 999 and 1022 — to the Committee on Local Legislation

H. B. 1008 — to the Committee on Public Roads and Highways

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Drake:

H. 1063. Relating to Cullman County; fixing the hours for voting in rural areas.

With notice and proof thereto attached and herewith exhibited as follows.

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Cullman County; fixing the hours for voting in rural areas.

Be It Enacted by the Legislature of Alabama:

Section 1. In Cullman County, the polls at each place of voting in each ward, precinct or beat in the rural areas shall be opened between the hours of eight and nine o'clock in the morning and kept open without intermission or adjournment until six o'clock in the evening and no longer.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

**STATE OF ALABAMA
COUNTY OF CULLMAN**

Before me, the undersigned authority in and for said County in said State, this day personally appeared Robert Bryan, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Cullman Times, a newspaper of general circulation published in Cullman County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 2, July 9, July 16, and July 23, all in the year 1963.

ROBERT BRYAN,

Sworn to and subscribed before me July 25, 1963.

COLLEEN BUCHANAN,
Title Notary Public.
My Commission Expires Nov. 7, 1964.

Also:

By Messrs. Boston and Hannah:

H. 1086. Relating to counties having populations of not less than 60,500 nor more than 65,000; to authorize the governing body of any such county to create a county planning commission; to permit mem-

bers of the county governing body, including its presiding officer, to serve on a county planning commission; to provide for the organization, powers, jurisdiction, personnel, and financial and legal status of such commissions; to authorize counties to adopt regulations for the subdivision of land within the county, and to provide for their administration through a county planning commission; to authorize counties to divide the county into districts and within such districts regulate the use of land, the height, bulk, and use of buildings, the density of population; to provide for county boards of zoning adjustment and define the authority, powers, and functions of such boards, and the procedure and appeals from their decisions; to provide remedies in the enforcement of resolutions and regulations made by counties under the authority of this act; to provide for penalties for violations thereof; and to provide for counties and municipalities to join with other counties or municipalities to create a joint planning commission.

Also:

By Messrs. Slate and Brewer:

H. 1093. To provide additional compensation for the official court reporters of the county courts in counties having populations of not less than 57,000 nor more than 61,000.

Also:

By Mr. Bassett:

H. 1094. To amend Section 2 of Act No. 259, H. 507, Regular Session 1951, an act providing a deputy for the tax assessor of Pike County.

With notice and proof thereto attached and herewith exhibited as follows:

**STATE OF ALABAMA
COUNTY OF PIKE**

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 2 of Act No. 259, H. 507, Regular Session 1951, an act providing a deputy for the tax assessor of Pike County.

Be It Enacted by the Legislature of Alabama:

Section 2 of Act No. 259, H. 507, Regular Session 1951, an act providing a deputy for the tax assessor of Pike County (Acts 1951, v. 1, p. 540) is hereby amended to read as follows:

"Section 2. That the salary of such deputy tax assessor shall be determined by the Court of County Commissioners of Pike County, Alabama in an amount not to exceed \$2,400 per year, and shall be payable in equal monthly installments from the general fund of said county."

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF PIKE

Before me, the undersigned authority in and for said County in said State, this day personally appeared M. F. Boisclair, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Business Manager of the Troy Messenger, a newspaper of general circulation published in Pike County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 10, July 17, July 24, and July 31, all in the year 1963.

M. F. BOISCLAIR,

Sworn to and subscribed before me July 31, 1963.

LOUISE M. EMERSON,
Title Notary Public.

Also:

By Mr. Bassett:

H. 1095. To amend Section 2 of Act No. 148, S. 185, Regular Session 1955, an act providing for a deputy circuit clerk for Pike County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF PIKE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 2 of Act No. 148, S. 185, Regular Session 1955, an act providing for a deputy circuit clerk for Pike County.

Be It Enacted by the Legislature of Alabama:

Section 2 of Act No. 148, S. 185, Regular Session 1955, an act providing a deputy clerk for the circuit clerk of Pike County (Acts 1955, v. 1, p. 394) is hereby amended to read as follows:

"Section 2. That the salary of such deputy circuit clerk shall be determined by the Court of County Commissioners of Pike County, Alabama in an amount not to exceed \$2,400 per year and shall be payable in equal monthly installments from the general fund of said county."

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF PIKE

Before me, the undersigned authority in and for said County in

said State, this day personally appeared M. F. Boisclair, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Business Manager of the Troy Messenger, a newspaper of general circulation published in Pike County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 10, July 17, July 24, and July 31, all in the year 1963.

M. F. BOISCLAIR,

Sworn to and subscribed before me July 31, 1963.

LOUISE M. EMERSON,
Title Notary Public.

Also:

By Mr. Bassett:

H. 1096. To amend Section 2 of Act No. 258, H. 506, Regular Session 1951, an act providing a deputy for the tax collector of Pike County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF PIKE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 2 of Act No. 258, H. 506, Regular Session 1951, an act providing a deputy for the tax collector of Pike County.

Be It Enacted by the Legislature of Alabama:

Section 2 of Act No. 258, H. 506, Regular Session 1951, an act providing a deputy for the tax collector of Pike County (Acts 1951, v. 1, p. 539) is hereby amended to read as follows:

"Section 2. That the salary of such deputy tax collector shall be determined by the Court of County Commissioners of Pike County, Alabama, in an amount not to exceed \$2,400 per year, and shall be payable in equal monthly installments from the general fund of said county."

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF PIKE

Before me, the undersigned authority in and for said County in said State, this day personally appeared M. F. Boisclair, who, being

by me first duly sworn, deposes and says that during the times herein mentioned he was Business Manager of the Troy Messenger, a newspaper of general circulation published in Pike County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 10, July 17, July 24, and July 31, all in the year 1963.

M. F. BOISCLAIR,

Sworn to and subscribed before me July 31, 1963.

LOUISE M. EMERSON,
Title Notary Public.

Also:

By Mr. Bassett:

H. 1097. To amend Section 1 of Act No. 332, H. 602, Regular Session 1961, an act providing for a clerk of the juvenile court of Pike County (Acts 1961, v. 1, p. 358).

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF PIKE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 1 of Act No. 332, H. 602, Regular Session 1961, an act providing for a clerk of the juvenile court of Pike County (Acts 1961, v. 1, p. 358).

Be It Enacted by the Legislature of Alabama:

Section 1 of Act No. 332, H. 602, Regular Session 1961, an act providing for a clerk of the juvenile court of Pike County, (Acts 1961, v. 1, p. 358) is hereby amended to read as follows:

"Section 1. The Court of County Commissioners of Pike County is hereby authorized to provide a clerk of the Juvenile Court of Pike County, to be appointed by and to hold office at the pleasure of the judge of said court, which clerk of the Juvenile Court may also serve as a probate clerk, and who shall be entitled to receive a salary to be fixed by the Court of County Commissioners not to exceed \$2,400 per annum."

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF PIKE

Before me, the undersigned authority in and for said County in

said State, this day personally appeared M. F. Boisclair, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Business Manager of the Troy Messenger, a newspaper of general circulation published in Pike County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 10, July 17, July 24, and July 31, all in the year 1963.

M. F. BOISCLAIR,

Sworn to and subscribed before me July 31, 1963.

LOUISE M. EMERSON,
Title Notary Public.

Also:

By Messrs. Bolton and Camp:

H. 1099. To authorize, provide for and regulate the establishment and operation of a pension and retirement system for employees of the City of Sylacauga and certain incorporated and unincorporated municipal boards of such city; to authorize and provide for the establishment of the Sylacauga Employees Pension Trust Fund, provide for the composition, management and administration of such trust fund; and to authorize, provide for and regulate the payment of benefits under the system.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL

STATE OF ALABAMA COUNTY OF TALLADEGA

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To authorize, provide for and regulate the establishment and operation of a pension and retirement system for employees of the City of Sylacauga and certain incorporated and unincorporated municipal boards of such city; to authorize and provide for the establishment of the Sylacauga Employees Pension Trust Fund, provide for the composition, management and administration of such trust fund; and to authorize, provide for and regulate the payment of benefits under the system.

Be It Enacted by the Legislature of Alabama:

Section 1. A pension and retirement system for employees of the City of Sylacauga, the Utilities Board of the City of Sylacauga, a public corporation organized under the general law, the Park and Recreation Board of Sylacauga, an unincorporated municipal board organized by said city under the general law, and the Library Board

of the City of Sylacauga, an unincorporated board organized by the city under the general law, may be established and the Sylacauga Employees Pension Trust Fund in connection therewith may be created, maintained, and administered for the benefit of such employees in the manner hereinafter prescribed.

Section 2. If the mayor and city council of the City of Sylacauga, the board of directors of the Utilities Board of the City of Sylacauga, the Park and Recreation Board of the City of Sylacauga and the Library Board of the City of Sylacauga, hereinafter individually and collectively called the employer, desire to establish such system they shall each separately approve the plan for the pension and retirement system. When such plan is approved by each of such employers, the system shall become effective as of the date specified in the plan.

Section 3. Any pension and retirement plan adopted pursuant to this Act shall:

1. Be designated and known as the Sylacauga Employees Pension Trust.

2. Provide for establishment of a trust so designed that it will qualify under Sections 401, 501 and 404, United States Internal Revenue Code (should these provisions of the Internal Revenue Code ever apply to any one of the employers named in Section 2 hereof) as a tax-exempt pension plan for federal income tax purposes.

3. Prescribe conditions for voluntary participation in the system by persons employed by each of the above named employers when the system becomes effective and may provide for compulsory participation in the system by certain classes of employees of such employers who are employed after the system becomes operative.

4. Provide for contributions by the employees and by the employers to the pension trust fund from which benefits under the system shall be paid; and shall prescribe the amount of such contributions, and the method and time of payment thereof. Such plan may also provide for contributions by employees who are over a certain age (specified in the plan) and who have had a certain number of years or more of prior service (such number to be specified in the plan) when the system becomes effective at a greater rate than other employees, and may also authorize contributions from other sources to be accepted for the trust.

5. Provide for and prescribe the manner of the payment of benefits upon reaching normal retirement age and upon retirement because of disability prior to such age; and the plan may provide for payments of benefits or returns of contributions upon separations from service at an earlier age; but it shall not provide for payment of benefits upon the death of an employee, except that such plan may provide for a continuation of an employee's pension at a reduced rate to his or her spouse or the return of contributions, at the option of the employee, beyond the date of such employee's death. Sixty-five years of age shall be the normal retirement age under a retirement system established under this Act.

6. Prescribe rules for computing service creditable toward retirement and the compensation base upon which benefits are to be determined.

7. Provide for the administration of the pension system by an employer pension committee, provide for the composition of this com-

mittee, prescribe the rights, powers, duties, authority and liabilities of such committee and of the members thereof and may prescribe the effect to be given to decisions of such committee relative to matters involving rights to benefits and the management and administration of the trust fund.

8. Authorize and provide for the execution of a trust agreement between the employers and a bank, having a trust department duly licensed to serve as trustee in Alabama, to accept and administer the Sylacauga Employees Pension Trust Fund created pursuant to the pension and retirement plan authorized by this Act.

9. Provide for and prescribe the manner in which the employers, or any one of them may terminate its obligations under the system and provide for the continuation of the system as long as any one employer continues its participation. The rules relative to termination of the system shall provide for safeguarding the rights of members of the system.

10. Authorize, provide for, and regulate amendments to the pension plan and to any trust agreement made pursuant to that part of the plan authorized in item 8 above. The plan may provide that amendments thereof may be made by the city council of the City of Sylacauga, subject to approval or veto by the mayor, without the consent of any party, except that no amendment shall, without his consent, deprive, limit, lessen or restrict any right or interest to which an employee is already entitled from prior contributions of an employer, unless required to preserve the pension plan and trust as a qualified tax-exempt trust under federal income tax laws. No amendment shall be made or authorized under the plan which vests any right, title or interest in or to the trust fund established under this act in the employer, or any one of them; nor shall any amendment, which affects the rights, duties, responsibilities or obligations of the trustee under the trust agreement be authorized or made without the consent of the trustee.

11. Provide for the employment of an actuary and authorize and provide for the use of tables, valuations, data and opinions furnished by the actuary.

12. Prescribe the manner of giving required notices, instructions, and communications and of filing requests.

Section 4. The right of a person to a pension, or any other benefits or to a return of contributions under a pension system established under this Act and the moneys in the Sylacauga Employees Pension Trust Fund are exempt from any state or municipal tax and exempt from levy and sale, garnishment, attachment or any other process whatsoever, and shall be unassignable, except as in this Act specifically otherwise provided.

Section 5. No provision of a pension plan adopted hereunder shall bestow or purport to bestow or be construed to bestow on any employee of any employer, listed in Section 2 of this Act, the right to be retained in the employ of either of such employers, nor shall any provision in such a pension plan be construed to curtail or in any manner interfere with the right of the employer to terminate the employment of any employee at any time.

Section 6. All benefits provided under any plan adopted under this Act shall be payable by the trustee under the direction of the employers pension committee, and solely from the Sylacauga Employees

Pension Trust Fund and the earnings thereon. Under no circumstances shall the employers, nor any one of them, be liable for the payment to any beneficiary of any of such benefits; nor shall the officers, directors and employees of such employers, nor the trustee, nor the members of the employer pension committee be individually liable therefor. However, nothing hereinabove shall be deemed to relieve any person from liability for losses to the system or the pension trust fund resulting from his gross negligence or wilful misconduct in the administration of the system or the trust fund.

Section 7. A copy of the pension plan and of any and all amendments thereto shall be kept at the office of the city clerk and at the main office of each of the employers, and such copies shall be available to employees of such employers for inspection at all reasonable times.

Section 8. This Act is supplemental and its purpose is to provide an additional or alternative method or providing for the retirement and pensioning of municipal employees of Sylacauga and the several municipal boards in such city. It shall not be construed to abridge the right of the employer to provide or participate in providing for the retirement and pensioning of employees in any other way or manner prescribed by law.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF TALLADEGA

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. A. Moody, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of The Sylacauga Advance, a newspaper of general circulation published in Talladega County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 11, July 18, July 25, and August 1, all in the year 1963.

W. A. MOODY,

Sworn to and subscribed before me August 1st, 1963.

H. C. KRAMER, JR.,
Title Notary Public.

Also:

By Mr. Posey:

H. 1105. Relating to counties having populations of not less than 14,400 nor more than 14,900, according to the most recent federal decennial census; authorizing the county governing body to allow expenses to certain deputies and other assistants to the sheriff.

Also:

By Messrs. Morrow, Perry, Bowers, Rast, Locke, Hawkins, Collins, Bailes, Bethea (M), Dominick, Meeks, Brown (Jefferson), Etheredge:

H. 1073. To authorize any municipality within any county within the State of Alabama, which county has a population of more than 400,000 inhabitants according to the last preceding or any subsequent federal census, to pay, and contract and agree with the United States of America, the State of Alabama, or any such county or any municipality within any such county, or any of them, to pay, part of the costs of establishing, constructing, reconstructing, improving or re-improving, within any such county, any public highway, overpass, underpass, bridge or causeway, or any combination thereof, whether within or without or partly within or partly without the corporate limits of the municipality making such payment or entering into such agreement or contract, and whether within or partly within the corporate limits of another municipality within any such county, provided that the governing body of the municipality making such payment or entering into such agreement or contract shall by resolution have found and determined that said municipality will be benefited thereby.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1063, 1086, 1093, 1094, 1095, 1096, 1097, 1099, 1105 and 1073 — to the Committee on Local Legislation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Rogers:

H. 933. To amend Act No. 252, S. 198, Special Session 1961 (Acts 1961, p. 2265), an act creating the office of license commissioner in counties having populations of not less than 300,000 nor more than 500,000.

Also:

By Mr. Barnett:

H. 1043. To repeal Act No. 591, H. 1047, Regular Session 1961, entitled "An Act to levy additional special privilege license and excise taxes for public school purposes in School District Two of Perry County, such taxes to parallel the state sales and use taxes provided for in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; to define the term School District Two as used in this Act; to provide for the collection of such taxes by the

county governing body of Perry County, and for the custody, distribution and use of the proceeds thereof; to provide for the administration and enforcement of the Act; and to prescribe penalties" (Acts 1961, v. 1, p. 699).

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA PERRY COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama, and application for its passage and enactment will be made, to-wit:-

A BILL TO BE ENTITLED AN ACT

To repeal an act to levy additional special privilege license and excise taxes for public schools in School District Two of Perry County, such taxes to parallel the state sales and use taxes provided in Act No. 100 H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; to define the term school District Two as used in this Act; to provide for the collection of such taxes by the County governing body of Perry County, and for the custody, distribution and use of the proceeds thereof; to provide for the administration and enforcement of the act; and to prescribe penalties.

Be It Enacted by the Legislature of Alabama:

Section One: That an act entitled an act to levy additional special license and excise taxes for public school purposes in School District Two of Perry County, such taxes to parallel the state sales and use taxes provided in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented; to define the term School District Two as used in this Act; to provide for the collection of such taxes by the County governing body of Perry County, and for the custody, distribution and use of the proceeds thereof; to provide for the administration and enforcement of the Act; and to prescribe penalties, be and the same is hereby repealed as of July 1, 1964.

Section Two: That this act shall go into effect upon its approval by the Governor or otherwise becoming a law.

To Whom It May Concern:

I, Albert Stewart, Business Manager of The Marion Times-Standard, a weekly newspaper of general circulation, published Thursday of each week in the City of Marion, Perry County, Alabama, do hereby certify that the attached notice was published in our issues of July 4, July 11, July 18 and July 25, 1963.

ALBERT STEWART,
Title Business Manager.

Sworn to and subscribed before me this 29 day of July, 1963.

ELIZABETH F. STEWART,
Notary Public, Perry County, Ala.

Also:

By Mr. Barnett:

H. 1044. To repeal Act No. 723, H. 1048, Regular Session 1961, entitled "An Act to raise revenue for educational purposes in the school districts known as District 35 or Uniontown Beat, and District 36 or Pope's Beat, in Perry County; to provide an excise tax in such districts on bottled soft drinks; and to provide for the collection and administration of such tax" (Acts 1961, v. 2, p. 1031).

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
PERRY COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama, and application for its passage and enactment will be made, to-wit:-

A BILL TO BE ENTITLED AN ACT

To repeal an act to raise revenue for educational purposes in the school districts known as District 35 or Uniontown Beat, and District 36 or Pope's beat, in Perry County; to provide an excise tax in such district on bottled soft drinks; and to provide for the collection and administration of such tax.

Be It Enacted by the Legislature of Alabama:

Section One: That an act entitled an Act to raise revenue for educational purposes in the school districts known as District 35 or Uniontown Beat, and District 36 or Pope's Beat, in Perry County; to provide an excise tax in such districts on bottled soft drinks; and to provide for the collection and administration of such tax, approved September 8, 1961, and known as Act No. 723 of the 1961 regular session of the Legislature, be and the same is hereby repealed.

Section Two: That this act shall go into effect upon its approval by the Governor, or otherwise becoming a law.

To Whom It May Concern:

I, Albert Stewart, Business Manager of The Marion Times-Standard, a weekly newspaper of general circulation, published Thursday of each week in the City of Marion, Perry County, Alabama, do hereby certify that the attached notice was published in our issues of July 4, July 11, July 18 and July 25, 1963.

ALBERT STEWART,
Title Business Manager.

Sworn to and subscribed before me this 29 day of July, 1963.

ELIZABETH F. STEWART,
Notary Public, Perry County, Ala.

Also:

By Messrs. Collins, Hawkins, Etheredge, Bowers, Sessions, Perry, Morrow, Meeks, Brown (Jefferson), Locke, Rast, Gilmore, Vacca, Bailes, Bethea (B) and Bethea (M):

H. 1014. To alter and re-arrange the boundary lines of the City of Mountain Brook, Alabama, so as to include within the corporate limits of said City, all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given of intention to apply at the present special session or any future special or regular session of the Legislature of Alabama, for introduction and passage of a Bill the substance of which, as distinguished from details, is and will be the substance, as distinguished from detail of the following:

A BILL TO BE ENTITLED AN ACT

To alter and re-arrange the boundary lines of the City of Mountain Brook, Alabama, so as to include within the corporate limits of said City, all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

Be It Enacted by the Legislature of Alabama:

Section 1. That, from and after the passage and approval of this act, the boundary lines of the City of Mountain Brook, Jefferson County, Alabama, be and the same are altered and re-arranged, so as to include within the corporate limits of said city of Mountain Brook, Jefferson County, Alabama, in addition to the territory included within its present corporate limits, the territory lying and situated in Jefferson County, Alabama, contiguous to said city, more particularly described as follows:

The SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1, Township 18, South, Range 2 West; the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2, Township 18 South, Range 2 West.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. That this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County in said State, personally appeared Sara Wheeler, who, being by me first duly sworn, deposes and says that she is the Publisher of The Birmingham Messenger, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established on the 13th day of September, 1930, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of April 27; May 4, 11, 18, 1963, a legal notice, a copy of which is hereto attached.

SARA WHEELER,
Publisher.

Sworn and subscribed to on this the 20th day of May, 1963.

ANGIE CAMPISI,
Notary Public.

Also:

By Messrs. Collins, Hawkins, Etheredge, Bowers, Sessions, Perry, Morrow, Meeks, Brown (Jefferson), Locke, Rast, Gilmore, Vacca, Bailes, Bethea (E) and Bethea (M):

H. 1015. To alter and re-arrange the boundary lines of the City of Mountain Brook, Alabama, so as to include within the corporate limits of said City, all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given of intention to apply at the present special session or any future special or regular session of the Legislature of Alabama, for introduction and passage of a Bill the substance of which, as distinguished from details, is and will be the substance, as distinguished from detail of the following:

A BILL
TO BE ENTITLED
AN ACT

To alter and re-arrange the boundary lines of the City of Mountain Brook, Alabama, so as to include within the corporate limits of said City, all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

Be It Enacted by the Legislature of Alabama:

Section 1. That, from and after the passage and approval of this act, the boundary lines of the City of Mountain Brook, Jefferson County, Alabama, be and the same are altered and re-arranged, so as to include within the corporate limits of said city of Mountain Brook, Jefferson County, Alabama, in addition to the territory included

within its present corporate limits, the territory lying and situated in Jefferson County, Alabama, contiguous to said city, more particularly described as follows:

The NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 1, Township 18 South, Range 2 West, not already in the City of Mountain Brook, Alabama; the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1, Township 18 South, Range 2 West.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. That this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County in said State, personally appeared Sara Wheeler, who, being by me first duly sworn, deposes and says that she is the Publisher of The Birmingham Messenger, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established on the 13th day of September, 1930, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of May 25; June 1, 8, 15, 1963, a legal notice, a copy of which is hereto attached.

SARA WHEELER,
Publisher.

Sworn and subscribed to on this the 17th day of June, 1963.

ANGIE CAMPISI,
Notary Public.

Also:

By Messrs. Fields, Engel, Edington, Downing, Hogan, Rogers, and McDermott:

H. 1030. Relating to the City of Mobile, establishing a pension and relief system for City police and firemen department members, creating a Policemen's and Firemen's Pension and Relief Fund, providing revenues for such funds, creating a Board of Pensions to administer the retirement system, providing regulations and procedures governing the operation of the pension and relief system, providing penalties, and repealing conflicting laws.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama, and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to the City of Mobile, establishing a pension and relief system for City police and firemen department members, creating a Policemen's and Firemen's Pension and Relief Fund, providing revenues for such funds, creating a Board of Pensions to administer the retirement system, providing regulations and procedures governing the operation of the pension and relief system, providing penalties, and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created a Pension and Relief system for the regularly organized and paid members of the police and fire departments of the City of Mobile, which shall be supported, maintained and managed as hereinafter provided.

Section 2. There shall be a special fund in the treasury of the City of Mobile to be designated the Policemen's and Firemen's Pension and Relief Fund which shall be set apart by the comptroller or other person performing the duties of Treasurer of the City of Mobile, and shall be held and maintained as other city funds are held and maintained except as is hereinafter provided.

Section 3. There shall be paid into such Fund, out of the treasury of the City of Mobile, an amount equal to five per cent of the amount of all fines and moneys, except costs of court, paid as a result of prosecutions for violations of ordinances or laws of the City of Mobile, which sums shall be determined and credited to the fund on a monthly basis: two per cent of the monthly salary of every member of the police and fire departments shall be deducted by the proper authority from the monthly salaries of said members of such departments and shall be transferred to the Fund monthly with record kept showing amount credited to each said member; two per cent of the monthly salary of the members of such departments which shall be contributed by the City of Mobile and credited to such Fund monthly; that portion of the assessment that may be fixed by the governing body of the City and added as cost of court in connection with prosecutions for violations of the ordinances of the City of Mobile, provided that the assessment of such costs for this purpose shall not exceed \$3, shall be collected and credited monthly to the Fund: and the Fund shall be credited with any appropriations made by the City when at any time the Fund shall be insufficient to pay the benefits and defray the expenses as provided in this Act. The Board of Commissioners or other governing body of the City of Mobile may appropriate from any funds not otherwise appropriated an amount sufficient to cover such deficiency and may in subsequent budgets provide an amount to cover any anticipated deficits in the Fund.

Section 4. The percentages paid into the City treasury as a result of convictions and prosecutions, court costs, and the sums representing matching payments by the City as provided by Section 3 of this Act are hereby charged with and appropriated to the Policemen's and Firemen's Pension and Relief Fund and shall be so credited by the comptroller or another person performing the duties of Treasurer of the City of Mobile.

Section 5. (a) Moneys may be given or donated to said Fund by any person, firm or association or corporation for the uses and purposes for which said Fund is created, and said Board of Pensions may take by gift, grant, devise or bequest, any money, personal property, real estate

or any interest therein or any right of property for the benefit of such Fund; and such gift, grant, devise or bequest may be absolute or in fee-simple or upon condition that only the rents, income and profits arising therefrom shall be applied to the purposes for which said Fund is created.

(b) Trustees may be appointed by the Board of Pensions for the purpose of receiving, holding, or managing any property acquired under subsection (a) hereof, if not otherwise named by the instrument of gift or legacy, and for performing duties in connection with funds or properties under control of the board, and such Trustees shall serve subject to such restrictions and conditions as may be prescribed by the Board; provided, however, no salary shall be paid from the Pension and Relief Fund herein created to any person acting as such Trustee.

Section 6. (a) Each fire insurance company doing business in the City of Mobile shall, on or before the first day of February of each year, pay to the City of Mobile for credit to said Pension and Relief Fund, a sum equal to one-half of one per cent of the gross premiums, less returned premiums, received by such fire insurance companies, or their agents, doing business in the City of Mobile for and on account of business done by it during the preceding year; provided, however, that when said insurance companies pay to the City a sum equal to four per cent of its net premiums, such companies shall not be required to pay the amount herein provided to said Pension and Relief Fund.

(b) Each such fire insurance company shall on or before the due date of such payment file with the Board of Commissioners or like governing body of the City a statement or report in writing, showing the gross amount of premiums less returned premiums, received by such fire insurance company for and on account of business done by it in the City during the preceding year; which statement or report shall be sworn to by the agent of such fire insurance company in the City, or some other person having knowledge of the facts; and any such fire insurance company failing to make and file such report and statement as aforesaid, shall forfeit to the City of Mobile for use of the Policemen's and Firemen's Pension and Relief Fund, the sum of one thousand dollars, to be recovered against such fire insurance company violating the provisions hereof, or its agents, by suit brought in the name of the City, and all such forfeitures and penalties shall be and become a part of the Policemen's and Firemen's Pension and Relief Fund.

Section 7. The Board of City Commissioners, or other like governing body of the City, is hereby authorized and empowered to set apart and pay into the Pension and Relief Fund not exceeding one per cent of all revenues collected and received by the City from licenses, provided, however, that this section shall not be compulsory.

Section 8. The Board of Pensions hereinafter created is authorized to place in banks at interest and to invest such part of the fund as is not necessarily in use, but such investment shall be limited to United States bonds, state, municipal and county bonds of Alabama. All such securities, funds and moneys shall be maintained and kept separate and apart in special accounts set aside from other moneys and securities of the City, so that they shall at all times be subject to instant use.

Section 9. (a) The Board of Commissioners or other governing body of the City shall create a Board to carry out the provisions of this Act, which shall be designated "The Board of Firemen's and Policemen's Pensions of the City of Mobile", hereinafter called "The Board". The Board shall consist of five reputable persons who are bona fide residents of the City of Mobile and over the age of twenty-one years. Members

of the Board shall hold office for six years and until their successors are appointed, unless sooner removed at any time for good cause by the appointing authority. No member of the Board shall receive any compensation for this.

(b) The Board shall organize by the election of a Chairman and Vice-Chairman and shall meet not less than once each month and at such other time as may be considered necessary upon call of the Chairman. Three members of the Board shall constitute a quorum for transaction of business.

(c) Separate and adequate records shall be kept by the Board of all of its meetings and proceedings, which records shall be public and shall be subject to inspection on order of the governing body of the City of Mobile at any time.

(d) The Board of Commissioners or like governing body of the City of Mobile shall appoint, subject to the merit system of the City, and pay from the General Fund of the City the salary of a Secretary of the Board of Pensions, who shall be responsible for records required in this section and Section 22 hereof and shall perform such other duties as may be prescribed by the Board.

(e) The Chairman of the Board of Pensions shall provide bond in the penal sum of \$25,000 conditioned upon faithful performance of his duties, the premium of which shall be paid by the City of Mobile from the General Fund.

(f) All applications for pensions and relief under this Act shall be heard and determined by the Board of Pensions.

(g) Vacancies on the Board for any cause shall be filled by appointment of the governing body of the City of Mobile for the unexpired term.

Section 10. All warrants drawn against the fund shall be on order of the Chairman of the Board of Pensions and shall be signed as are other warrants signed and executed by authorized authorities of the City. However, such warrants shall be different in color, or otherwise, so as to distinguish them from other City warrants drawn by said City. No portion of said Policemen's and Firemen's Pension and Relief Funds shall, before or after its order for distribution, be seized or held or in any wise subject to garnishment or levy of execution or attachment issued out of or by any court of this State, or any other State, so far as any debt, damage, demand, claim, judgment or decree against any beneficiary in such funds, but shall be exempt therefrom.

Section 11. Every member of such police and fire departments shall come under the provisions and benefits of this Act, but no member of the Board of Commissioners or of other departments of the City shall be entitled to benefits hereunder.

Section 12. If any member of such police and fire department, while in the performance of his duties, becomes and is found to be temporarily totally disabled, mentally or physically, for services in such police or fire departments, by reason of service therein, the Board of Pensions shall order the payment and there shall be paid from the fund herein provided to such disabled member an amount equal to fifty per cent of his monthly salary, but not to exceed one hundred dollars per month, during such period of total disability. Provided, however, that such member during the period of disability is paid no salary as a member of the police or fire department or any other department of the city, and

provided further that such payment shall not continue beyond one year from the date of the determination of temporary total disability. Such disability shall be determined by the Board of Pensions after report from the City Physician, and such other physicians and surgeons as the Board may consult, and after the consideration of any other evidence the Board may desire to consider.

Section 13. (a) If any member of the police or fire department while in the performance of his duty is found and determined to be physically or mentally permanently disabled for service by reason of such service so as to render his retirement necessary, the Board of Pensions shall make the necessary orders and shall retire such disabled member from service. Upon such retirement the member shall be paid monthly from the Fund, an amount equal to sixty per cent of his monthly salary, the payments to be made during such disability.

(b) Should any member of such police or fire department who has served in such department for a period of fifteen years be found to be physically or mentally permanently disabled (through no misconduct on his part) for service in such police or fire departments, so as to render his retirement from such service necessary, the Board of Pensions shall make the necessary order, and shall retire such disabled member from service and upon such retirement the member shall be paid monthly from the Policemen's and Firemen's Pension and Relief Fund an amount equal to fifty per cent of his monthly salary. Such members under subsection (a) and (b) herein may be called back and examined at any time under the orders of the Board of Pensions, and may be ordered back to active service, or to perform other services in connection with the City such as he is able to perform, according to the instructions, findings and orders of the Board. While in active service, such pension will not be paid.

Section 14. Any member or former member of the police or fire department who has been in the service thereof for as long as twenty consecutive years, upon making written application to the Board of Pensions therefor, shall, without medical examination or disability, be retired from service in such police or fire department; and, upon such retirement, the said Board of Pensions shall direct the payment to such retired member monthly from the Fund herein created a sum equal to fifty per cent of the monthly compensation or salary received by such member as salary in such fire or police department at the time of his retirement; provided, however, that said payments to said retired member of the police or fire department shall not commence or be effective earlier than the fifty-fifth birthday of the member.

Section 15. (a) Any member or former member of such police or fire department who has been in the service thereof for as long as twenty-five years, the last ten years of which have been continuous, upon making written application to the Board of Pensions shall, without medical examination or disability, be retired from service of such fire or police department, and upon such retirement, the said Board shall direct the payment to such retiring member, commencing not earlier than the fifty-fifth birthday of such member, monthly from such Fund, a sum equal to fifty per cent of the monthly compensation received by such member as salary in such fire or police department at the time of his retirement.

(b) Any member or former member of such police or fire department who has been in the service thereof for as long as thirty years, the last ten years of which have been continuous, upon making written application to the Board of Pensions therefor, shall without

medical examination or disability, be retired from service of such fire or police department, and upon such retirement, the said Board shall direct the payment to such retiring member, commencing not earlier than the fifty-fifth birthday of such member, monthly from such Fund, a sum equal to fifty-five per cent of the monthly compensation received by such member as salary in such fire or police department at the time of his retirement.

(c) Any member or former member of such police or fire department who has been in the service thereof for as long as thirty-five years or longer, the last ten years of which have been continuous, upon making written application to the Board of Pensions therefor shall, without medical examination or disability, be retired from service of such fire or police department, and upon such retirement, the said Board shall direct the payment to such retiring member, commencing not earlier than the fifty-fifth birthday of such member, monthly from such Fund, a sum equal to sixty per cent of the monthly compensation received by such member as salary in such fire or police department at the time of his retirement.

Section 16. (a) Whenever an active or retired member of such police or fire department shall die, there shall be appropriated and paid from the Fund the sum of one hundred dollars for funeral and burial expenses of such deceased member, which sum shall be used for funeral and burial expenses and paid out upon order of the Pension Board to the person or persons designated by the Chief of Police, if decedent was a member of the Police Department, or the Chief of the Fire Department, if decedent was a member of the Fire Department.

(b) Whenever a member of the police or fire department of the city shall die while an active employee thereof with fifteen years or more service or otherwise eligible for a pension, or whenever a retired or disabled member shall die who is receiving pension or disability payments as herein provided, and in either event if such deceased employee shall leave a widow, such widow shall receive fifty per cent of the member's pension entitlement as determined on the date of death of the deceased, but not to exceed one hundred dollars (\$100.00) per month. The widow may receive such payments for the term of her life or until her remarriage, by establishing her eligibility (1) by proof of a bona fide marriage to deceased consummated not less than one year prior to the date of death, if deceased was an active employee, or one year prior to transfer to the pension roll if deceased was a retired or disabled employee. For the purpose of this Act, proof of a common law marriage shall not be considered a bona fide marriage; (2) upon proof that the claimant and the deceased were living together as man and wife on the date of the death of deceased and had been so living for at least one year prior to the date of his death; and (3) upon supplying such annual proof of continued eligibility as may be required by the Board for continued pension.

(c) Whenever a member of the Police or Fire Departments of the City shall die while an active employee thereof with fifteen years or more service or otherwise eligible for a pension, or whenever a retired or disabled member shall die who is receiving pension or disability payments as herein provided, and in either event if such deceased employee shall leave no widow, but shall leave an unmarried child or children under the age of eighteen on the date of his death, such child or children shall receive the widow's benefit as herein provided not to exceed one hundred dollars (\$100.00) per month, which payments shall be made through a guardian until the youngest child reaches the age of eighteen, or is married.

(d) Whenever the employment of a member of the Police or Fire Department of the City shall be terminated by death or for any other reason before eligibility for benefits has been established, the contribution of such employee to the Fund shall be refunded in lump sum without interest to the employee, his widow or children, a named beneficiary, or to his estate, as the case may be. Prior service of an employee rehired after termination and refund as herein provided shall not count toward future retirement.

Section 17. In all matters involving the disability or sickness of members of the Police or Fire Department, the Board of Pensions may cause such disabled or sick member to be examined by the City Physician, and such other reputable physicians or surgeons as it may select, who shall report to the Board in writing the result of such examination or examinations and it is hereby made the duty of the City Physician, when requested by the Board to make such examination and to report his findings as herein provided. Any member of the Police or Fire Department who refuses to allow such examinations as may be considered necessary by the Board shall, during the continuance of such refusal, be debarred from receiving any benefits whatever under this Act.

Section 18. Members of the Police and Fire Departments of the City of Mobile who shall receive the benefits of this Act shall continue to receive such benefits only during the period of their eligibility therefor, and shall submit annually and at such other times as ordered by the Board such statements or other evidence of eligibility as may be required by the Board.

Section 19. Should the Pension and Relief Fund at any time be insufficient or inadequate to pay pensions to those properly entitled to receive same, the person or persons so entitled to payments shall not file suit for payment thereof but the Board of Pensions shall have absolute discretion as to what portion of the pension shall be paid, and when there are several persons entitled to payments, and the funds are insufficient to pay them in full, the Board of Pensions shall prorate the available amount to the respective claimants. However, at no time shall the payments exceed the limits fixed in this Act.

Section 20. There shall be kept by the Secretary of the Board of Pensions a book in which shall be maintained a list of retired policemen and firemen. Such book shall also give a full and complete history and record of the action of the said board in retiring any and all persons under this Act and shall show the names, date of entering service in such police or fire departments, periods of employment, date of retirement and the reason for such retirement and such other information as the Board may require, including written requests from members desiring retirement.

Section 21. It shall be the duty of the City Attorney of Mobile to give advice to the Board of Pensions in all matters pertaining to the duties of the Board, and the management of the Pension and Relief Fund, whenever requested to do so, and shall represent and defend the Board as its attorney in all suits and actions at law or in equity that may be brought against it or the City of Mobile in connection with its duties, and during all suits and actions in its behalf that may be required or determined upon by the Board.

Section 22. Any member of the Police or Fire Department of the City of Mobile may elect at any time not to come within the provisions of this Act, and should he so elect, no part of his salary shall

be deducted for the Pension and Relief Fund. His election must be in writing, signed by him, and filed with the Board of Pensions. Thereafter, he shall not be allowed to come within the provisions or be entitled to the benefits of this Act, unless he first makes application to the Board of Pensions, and such board may use its discretion in the premises, but said persons shall not be credited for services in the Police or Fire Departments for the time during which he was not bound by the provisions of this Act.

Section 23. In case of any dispute arising out of this Act or any of its provisions or on any decision relating to application for benefits, the decision of the Board of Pensions shall be final. In no event shall any suit be filed against the Board of Pensions, any of its members or the Board of Commissioners or other governing authority of the City, for the recovery of any pension or to enforce any of the provisions of this Act. However, should any suit be brought on behalf of the City or the Board of Pensions, it shall be brought in the name of the City of Mobile, and not in the name of the Board of Pensions.

Section 24. All powers, duties and responsibilities related to the establishment and administration of a pension and relief system for firemen and policemen for the City of Mobile which have heretofore been exercised by the Board of Commissioners or any other board or agency of the City of Mobile for the purpose of administering such system, created under authority of Act No. 774, S. 626, Regular Session 1951 (Acts 1951, p. 1350), shall be vested in the Board of Pensions herein created and established; all funds, books, records, supplies and equipment and all other assets of any kind or nature created and used in the administration of such former pension and relief system shall be transferred to and administered by the Board of Pensions herein created; and all accrued rights and liabilities under any former pension and relief system for firemen and policemen of the City shall be retained and preserved and all obligations and duties under such former system shall be fully performed in the same manner and to the same extent by the Board of Pensions created by this Act as they would have been performed by any authority replaced by the board of pensions.

Section 25. All laws and parts of laws and specifically that part of Act No. 774, S. 626, Regular Session 1951 (Acts 1951, p. 1350) in conflict with this Act are repealed.

Section 26. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 27. This Act shall take effect October 1, 1963, and shall not have retroactive application.

John W. Winter being sworn, says that he is Advertising Director of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and the attached notice appeared in the issue of The Mobile Register July 8, 15, 22, 29; 1963.

JOHN W. WINTER,

Sworn to and subscribed before me this 29 day of July, 1963.

EDWIN LEE PERKINS,
Notary Public.

Also:

By Mr. Cates:

H. 1054. To change the method of compensating certain officers of Shelby County; fixing the salaries of such officers and providing for the clerical assistance, deputies, office space, equipment, and supplies necessary for the conduct of their respective offices on a salary basis.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given of intention to apply at the present session of the Legislature of Alabama for introduction and passage of a bill in substance as distinguishing from the detailed bill to be introduced, said bill reading in substance as follows:

A BILL TO BE ENTITLED AN ACT

To change the method of compensating certain officers of Shelby County: Fixing the salaries of such officers and providing for the clerical assistance, deputies, office space, equipment, and supplies necessary for the conduct of their offices.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Shelby County shall receive the following salaries:

(a) Judge of Probate — Eleven Thousand Dollars (\$11,000.00) per annum.

(b) Sheriff — Ten Thousand Dollars (\$10,000.00) per annum.

(c) Tax Assessor — Eight Thousand Dollars (\$8,000.00) per annum.

(d) Tax Collector — Eight Thousand Dollars (\$8,000.00) per annum.

(e) Circuit Clerk — who also serves as Registrar in Chancery and ex-officio Clerk of the Shelby County Law and Equity Court — Eight Thousand (\$8,000.00) per annum.

Such salaries shall be in lieu of all other compensation heretofore provided by law, and shall be paid in equal monthly installments out of the general fund of the County.

Section 2. All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the Judge of Probate, Sheriff, Tax Assessor, Tax Collector, or Circuit Clerk, Register in Chancery and ex-officio Clerk of the Shelby County Law and Equity Court, shall be collected and paid into the general fund of the County.

Section 3. The Board of Revenue, Court of County Commissioners, or other like governing body of Shelby County shall provide the Judge

of Probate, Sheriff, Tax Assessor, Tax Collector, Circuit Clerk-Register and ex-officio Clerk of the Shelby County Law and Equity Court of the County with such clerical assistance, deputies, quarters, books, stationery, office equipment, postage and such other conveniences and supplies as are necessary for the proper and efficient conduct of their respective offices.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing the Legislature to fix, alter, and regulate the costs and charges of Courts in Shelby County, and the fees, commissions, percentages, allowances or salary of, and the method of compensating any officer of Shelby County; and upon the approval of this Act by a majority of the electors of Shelby County voting in a referendum to be held on the same day as the first state-wide, general, special or primary election that is held after the expiration of three months from final adjournment of the 1963 regular session of the Legislature. The governing body of Shelby County shall order and provide for the holding of the referendum on such date.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF SHELBY

Before me, the undersigned authority in and for said County in said State, this day personally appeared O. G. Dexter, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Shelby County Reporter, a newspaper of general circulation published in Columbiana, Shelby County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 27, July 4, July 11, and July 18, all in the year 1963.

O. G. DEXTER,

Sworn to and subscribed before me July 19, 1963.

C. M. FOWLER,
Title Judge of Probate.

Also:

By Mr. Cates:

H. 1055. Proposing an amendment to the Constitution of Alabama relative to the costs and charges of courts in Shelby County and the compensation of county officers.

Also:

By Mr. Paulk:

H. 1058. Relating to Bullock County; to provide a clerk hire allowance for certain county officers.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL

STATE OF ALABAMA
COUNTY OF BULLOCK

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Bullock County; to provide a clerk hire allowance for certain county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like county governing body of Bullock County is hereby authorized to provide and pay out of the general funds of the county an allowance for clerk hire for the following county officers: to the judge of probate, \$1,200.00 per annum; to the tax assessor, \$800.00 per annum; and to the tax collector, \$600.00 per annum.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
BULLOCK COUNTY

Before me, Rubye M. Garner, a Notary Public, in and for said State and County personally appeared W. H. Garner, Publisher of the Union Springs Herald, a newspaper published at Union Springs, Bullock County, Alabama, who being duly sworn states on oath that he published a legal notice of a Bill To Be Entitled an Act relating to Bullock County to provide a clerk hire allowance for certain county officers a true copy of which is attached hereto, was published in said newspaper for 4 consecutive weeks, in its issues of July 11, 1963; July 18, 1963; July 25, 1963; August 1, 1963.

W. H. GARNER,
Publisher.

Sworn to and subscribed before me this 1 day of August, 1963.

RUBY M. GARNER,
Notary Public.

Also:

By Mr. Edwards (Escambia):

H. 1060. To amend Act No. 44, H. 29, Regular Session 1963, in relation to the effective date of the act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 933, 1043, 1044, 1014, 1015, 1030, 1054, 1055, 1058, and 1060 — to the Committee on Local Legislation

(The above-numbered Bill, H. B. 1055, was read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Morrow, Perry, Bowers, Rast, Locke, Hawkins, Collins, Bales, Bethea (M), Dominick, Meeks, Brown (Jefferson) and Etheredge:

H. 1077. To provide in all counties having a population in excess of 600,000 according to the last or any subsequent Federal decennial census that the Superintendent, Assistant Superintendent, or other like officer of the County Home, poor farm or alms house owned and operated by any such county shall be appointed and designated the guardian of all persons who are patients or inmates in the said institution and are unable for physical or mental reasons to reasonably manage or handle their own affairs. To provide for the expenditure of guardianship funds for services and treatment rendered said patient or inmate by such county home, poor farm or alms house. To further provide that said Superintendent, Assistant Superintendent or other like officer shall post a surety bond with the Probate Court and make partial settlements of his guardianship to the Probate Court. To provide for additional partial settlements when ordered by the Probate Court. To provide for final settlements upon any patient or inmate in the said institution, leaving said institution or upon the death of any such person. To provide for a final settlement on the death, retirement or removal of the said Superintendent, Assistant Superintendent, or other like officer.

Also:

By Messrs. Morrow, Perry, Bowers, Rast, Locke, Hawkins, Collins, Bales, Meeks, Brown (Jefferson) and Etheredge:

H. 1075. To amend Section 3 of Act 414 of the Legislature of Alabama of 1947 (General Act of 1947, page 304) and to further amend

Sections 5 and 6 of Act 414 of the Legislature of Alabama of 1947 (General Acts of 1947, page 304) as amended by Act 431 of the Legislature of Alabama of 1949 (General Acts of 1949, page 626), also to amend Section 11 of Act 414 of the Legislature of Alabama of 1947 (General Acts of 1947, page 304), which fixes, levies and requires the payment of a license tax on cigarettes and other tobacco products in counties having a population of 400,000 or more according to the last or any subsequent federal census.

Also:

By Messrs. Morrow, Perry, Bowers, Rast, Locke, Hawkins, Collins, Bailes, Bethea (B), Bethea (M), Dominick, Meeks, Brown (Jefferson), Vacca, Gilmore, Sessions and Ethredge:

H. 1074. To authorize the governing body of any city of this State having a population of 300,000 or more inhabitants, according to the last or any subsequent Federal census, to pay the hospital bills, doctors' bills, and other medical expenses incurred by any person in securing treatment of any injuries sustained by such person while serving as an auxiliary policeman, or while assisting a policeman or policemen of such city in maintaining law and order.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1077, 1075 and 1074 — to the Committee on Local Legislation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Fite:

H. 798. To provide for a credit to the tax levied by Section 788, Title 51, Code of Alabama 1940, as amended, for sales or use taxes paid to any other state:

Also:

By Messrs. Turnham, Vacca, Hawkins, Bailes and Collins:

H. 386. To amend further Section 388 of Title 51, Code of Alabama 1940, which relates to exemptions from state income tax; and to provide that the Act shall be given retroactive effect to December 31, 1962.

Also:

By Messrs. Fite, Turner (Crenshaw) and Brewer:

H. 870. To regulate visiting speakers at state supported colleges and universities.

Also:

By Messrs. Posey and Bevill:

H. 304. To make an appropriation from the state treasury for the relief of J. J. McCullar.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 798, 386 and 304 — to the Committee on Finance and Taxation

H. B. 870 — to the Committee on Education

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Crawford, Stembridge, Bassett, Faulk, Cook, Steagall and Thomas:

H. 1013. To make an appropriation to the state board of education for certain capital outlays.

Also:

By Messrs. Bowers, Perry, Edwards (Escambia), Sessions, Owens, Nettles, Slate, Nabors, Hogan, Pierce, Goodwyn, Cook, Harper, Campbell (Tuscaloosa), Wood, Jones (Covington), Stembridge, Ingram, Bailes, Vacca, Bethea (B), Etheredge, Meeks, Gilmore, Rast, Locke, Avery, Meade, Turner (Crenshaw), Burns, Morrow, Brown (Jefferson), Brown (Tuscaloosa), Albea, Burnham, Powell, Drake, Posey, Young, Moore, Turner (Limestone), Bethea (M), Scurlock, Dominick, Cates, Boston, Hannah, Casey, Mashburn, Downing, Edington, Daniel, McCorquodale, Camp, Grouby, Snell, Carr, Branyon, Hankins, Cantrell, Bevill, Bolton and Turnham:

H. 161. To provide for the filing with the State Department of Education of an annual operating statement and a consolidated fund balance sheet each year by all county boards of education, city boards of education, state-supported universities, colleges, trade schools, and other educational institutions supported in whole or in part by state funds; to provide for a form for such reports; to provide for the publishing of a statewide financial report by the State Department of Education; to provide that such report shall be a public record for inspection of all interested citizens; and to provide for the filing of such report with the Governor, the Secretary of the Senate, and the Clerk of the House of Representatives.

Also:

By Messrs. Bassett, Crawford, Stembridge, Turner (Crenshaw), Glass, Salter, Cook, Paulk, Faulk, Jones (Covington), Wood, Thomas and Goodwyn:

H. 697. To make an appropriation to the use of the agricultural center board for construction and equipment of an agricultural center facility in Pike County.

Also:

By Messrs. Salter, Turner (Crenshaw), Sullivan, Thomas, Goodwyn, Hain, Blanton, Nettles, Mashburn, Edwards (Escambia), Pierce, Glass, Wood, Casey, Avery, Branyon, Heflin, McCorquodale, Paulk, Crawford, Teel, Ingram, Beville, Turner (Limestone), Bailes, Campbell (Jackson), Owens, Carr, Smith, Jones (Covington), and Burns:

H. 727. Further regulating the registration of voters in Alabama; prescribing qualifications for registering and voting and providing for the determination thereof; creating the state board of examiners for voter registration, and prescribing its powers and duties; providing for the appointment and removal of the members of this board and prescribing their duties, powers, terms, and compensation; providing for the appointment of an executive secretary of the board, and regulating his duties, powers, tenure and compensation; prescribing penalties; and repealing conflicting legislation.

Also:

By Messrs. Salter, Turner (Crenshaw), Sullivan, Thomas, Goodwyn, Hain, Blanton, Nettles, Mashburn, Edwards (Escambia), Pierce, Glass, Wood, Casey, Avery, Branyon, Heflin, McCorquodale, Paulk, Crawford, Teel, Ingram, Beville, Turner (Limestone), Bailes, Campbell (Jackson), Owens, Carr, Smith, Jones (Covington) and Burns:

H. 728. Proposing an amendment to Article VIII, Section 181, as amended, of the Constitution of Alabama, in relation to voter registration, requirements and questionnaires.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 1013 and 697 — to the Committee on Finance and Taxation

H. B. 161 — to the Committee on Education

H. B.'s 727 and 728 — to the Committee on Privileges and Elections

(The above-numbered Bill, H. B. 728, was read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Goodwyn:

H. 527. To define the corporate status of production credit associations organized under the laws of the United States and provide the method of taxation of such associations.

Also:

By Messrs. Salter, Stenbridge, Young, Cates, Davis, Avery, Pennington, Snell, Burns, Casey, Meade, Carr, Turnham, NeSmith, Harper, Baker (DeKalb), Cooper, Ingram, Slate, Bolton, Powell, Owens, Nabors, Glass, Downing and Moore:

H. 413. To regulate the labeling, sale and offering or exposing for sale or distribution of agricultural, vegetable, flower, tree, shrub and herb seeds; to prevent misrepresentations relative thereto and to prohibit the sale of such seeds not in compliance with the requirements of this Act; to require seed dealers and others engaged in the sale of seeds to obtain an annual permit from the Department of Agriculture and Industries and to prescribe the amount of the permit fee; to authorize the State Board of Agriculture and Industries to promulgate rules and regulations for effectuating the purposes of this Act; to prescribe the duties and authority of the Commissioner of Agriculture and Industries relative to administration and enforcement of this Act; to prescribe a penalty for violations of this Act and other administrative and enforcement provisions; to repeal Act No. 560, S. 369, Legislature of 1943, approved July 9, 1943 (Acts of 1943, page 552).

Also:

By Messrs. Turnham, Crawford, Paulk, Jones (Covington), Salter, Edwards (Lowndes), Bassett, Wood, Glass, Mashburn, Faulk, Turner (Crenshaw), Cook, Drake, Steagall and Hester:

H. 564. To make an appropriation from the general fund in the state treasury to the use of the board of trustees of Auburn University for certain capital outlay purposes.

Also:

By Messrs. Merrill, Pierce and Cornett:

H. 997. To amend Code of Alabama 1940, Title 46, Section 6, in relation to the authority and procedure for the State Board of Public Accountancy to revoke or suspend certificates.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 527 — to the Committee on Banking

H. B. 413 — to the Committee on Agriculture

H. B. 564 — to the Committee on Finance and Taxation

H. B. 997 — to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Vacca, Gilmore, Bailes and Powell:

H. 167. To provide for the establishment, maintenance, and operation of a trade school for the prison system of Alabama at Draper Prison, and to provide an appropriation therefor.

Also:

By Messrs. Engel, McDermott, Hogan, Goldthwaite, Pierce, Campbell (Tuscaloosa), Fields, Little, Powell and Rogers:

H. 686. To provide for and require reidentification of the registered electors of all counties in Alabama which have not conducted a reidentification of voters since January 1, 1953; imposing duties upon boards of registrars and other county officers, and upon the electors whose names appear on the lists of qualified voters.

Also:

By Messrs. Engel and McDermott:

H. 1040. To amend Code of Alabama 1940, Title 55, Section 286, in relation to the terms of members of county and municipal library boards.

Also:

By Mr. Goldthwaite:

H. 1042. To amend Code of Alabama, 1940, Title 51, Section 613, in relation to the license tax payable on vending machines.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 167 and 1040 — to the Committee on Education

H. B. 686 — to the Committee on Privileges and Elections

H. B. 1042 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Nettles:

H. J. R. 116. WHEREAS presidential edicts and federal court rulings have encroached so far on property rights and personal rights that proprietors of eating establishments and other places of "public accommodation" are being forced to integrate their facilities and are denied the right to serve only those whom they choose to serve; and

WHEREAS an increasing number of places of business are succumbing to the order, though most often not from choice, and the travelling public of both races has no way of knowing what facilities are available to them; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all places of business which have integrated facilities to be requested to post signs at each entrance of their establishments so informing the public of the fact in order that the traveling public may know facilities are available to them.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 116, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Blanton:

H. J. R. 113. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That we note with deep and profound sorrow the passing of Mrs. Mary Bennett Hain, mother of our beloved colleague from Dallas County, and extend our sincere sympathy to Representative Val Hain and the members of his family for their great loss.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Givhan, the Rules were suspended and the Resolution, H. J. R. 113, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Powell:

H. J. R. 114. WHEREAS the entire nation is grieved by the sad news of the death of Patrick Bouvier Kennedy, infant son of President and Mrs. Kennedy; and

WHEREAS the thoughts and prayers of the people of Alabama were with the Kennedy family during the period when the baby's arrival was hopefully anticipated and later when his life hung in the balance; and

WHEREAS the passing of this tiny life has touched the hearts of the people of Alabama who sympathize deeply with his bereaved parents in their tragic loss; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body express its deepest sorrow and extends its sincere sympathy to President and Mrs. Kennedy upon the death of their son.

BE IT FURTHER RESOLVED That copies of this resolution be sent to President and Mrs. Kennedy.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Tyson, the Rules were suspended and the Resolution, H. J. R. 114, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Cantrell, Boston and Hannah:

H. J. R. 115. WHEREAS Captain Ben W. Stutts and Captain C. W. Voltz, officers of the United States Army were taken prisoner by North Korean forces while on air patrol at the 38th parallel on May 17, 1963; and

WHEREAS the United Nations has not only failed to secure the release of these men, but has not even determined whether or not they are still alive; and

WHEREAS North Korean forces have refused to allow any communication with these two officers, and have not permitted them to receive any goods, toilet articles, or other items sent to them by their families; and

WHEREAS to date, no word of condolence has been received by either family from any United States official other than the Adjutant General, their commanding officer, and their buddies in service; and

WHEREAS American boys continue to be captured or killed by communist nations the world over and the United Nations has failed to obtain the release of these men or to assist their families in securing any information whatsoever regarding them; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do urgently request that the Department of Defense, Department of the Army, and the President of the United States take whatever action may be necessary to secure the release of Captain Stutts and Captain Voltz if they be still alive and, in the interim, to forward all available information concerning them to their vitally concerned and distressed families.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Secretary of Defense, Secretary of the Army, to the office of the President of the United States, and to each member of the Congress from this State.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Oden, the Rules were suspended and the Resolution, H. J. R. 115, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 102. Relative to appointing Alabama representatives to attend the challenge races for the America's Cup.

Also:

H. J. R. 103. Relative to the retirement of Coach Wilbur Hall Hutsell of Auburn University.

Also:

H. J. R. 104. Relative to expressing regret upon the death of Mrs. Boonie Odessa Bryant of East Tallassee.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate,

signed the foregoing House Joint Resolutions; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 171. To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in all counties having populations of not less than 500,000 according to the 1960 or any subsequent federal decennial census; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

Also:

H. 228. Relating to counties having populations of not less than 17,400 nor more than 17,800 inhabitants according to the 1960 or any subsequent federal decennial census; authorizing the county boards of education in such counties to retire teachers who have attained the age of sixty-five.

Also:

H. 290. To amend Act No. 107, adopted February 14, 1956, as amended by Act No. 155, adopted August 2, 1957, as amended by Act No. 455, approved September 6, 1957, such Act creating and providing for in the City of Prichard, Alabama, a special fund to be known as "The Municipal Employees Pension and Relief Fund"; to provide for the setting apart of such funds; to create a pension and relief system applicable to all permanent municipal employees of such city, and eligible widows of such permanent municipal employees and eligible children thereof, whether such employee be in active service or be retired under the terms hereof; to provide for the creation of such fund and for appropriation from such city to make up any deficit therein; to provide how such funds shall be raised, acquired or gathered; to provide for the placement and handling of such funds; to provide who shall hear and determine applications for pensions and relief hereunder, and for the drawing of warrants against said fund; to provide against such funds being subject to garnishment or levy or sale under execution or otherwise; to provide payment for disabled employees of the various departments of such city during the term of such disability, and for the retirement of such members or employees on said pension, whether by reason of term of office or disability; to provide for the appropriation for funeral expenses upon the death of any employee of such city; to provide for the examination by proper authorities of such members or employees in case of sickness or disability; to provide for gifts, donations, legacies or otherwise to be made to such fund and for the appointment of Trustees and for the creation of a Board of Pensions for all purposes in connection therewith. To provide penalties for the violation of the provisions of this Act; to provide an effective date for this Act; and to provide that the invalidity or unconstitutionality of any section, provision or other portion of this Act shall not affect the validity of any other section, provision or other portion hereof.

Also:

H. 359. To make appropriation for the support and maintenance of the Southern Industrial Institute.

Also:

H. 357. To make annual appropriations for the support, maintenance, and development of public education in Alabama for each of the fiscal years ending September 30, 1964 and September 30, 1965, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Board of Trustees of Alabama College, the Board of Trustees of Auburn University, the Board of Trustees of the University of Alabama, the Board of Trustees of the Alabama Institute for Deaf and Blind, the Board of Trustees of the Alabama Boys Industrial School, the Board of Trustees of the Alabama Industrial School for Negroes, the Board of Trustees of the State Training School for Girls, the Alabama Educational Television Commission, and for the Teachers' Retirement System.

Also:

H. 360. To make an appropriation for the support and maintenance of the Walker County Junior College, located at Jasper, in Walker County.

Also:

H. 361. To make appropriations from the state treasury for support and maintenance of the Marion Institute, located in Perry County.

Also:

H. 362. To make an appropriation for the support and maintenance of the Alabama Vocational School for Girls.

Also:

H. 367. To amend Act No. 161, adopted by the Alabama State Legislature on the 2nd day of August, 1957, which such Act is in substance as follows: "To create and provide for the Water Works and Sewer Board of the City of Prichard (hereinafter referred to as the Board) a special fund to be known as 'The Water Works and Sewer Board Employees' Pension and Relief Fund'; to provide for the setting apart of such funds; to create a pension and relief system applicable to all permanent employees of such Board; to provide for the creation of such fund and for appropriation from the Board to make up any deficit therein; to provide how such funds shall be raised, acquired or gathered; to provide for the placement and handling of such funds; to provide for the hearing and determination of applications for pensions and relief hereunder, and for the drawing of warrants against said fund; to provide against such funds being subject to garnishment or levy or sale under execution or otherwise; to provide payment for disabled employees of the various departments of such Board during the term of such disability, and for the retirement of such members or employees on said pension, whether by reason of term of office or disability; to provide for the appropriation for funeral expenses upon the death of any employee of the Board; to provide for the examination by proper authorities of such members or employees in case of sickness or disability; to provide for gifts, donations, legacies to such fund and for the appointment of Trustees

and for the creation of a Board of Pensions for all purposes in connection herewith. To provide penalties for the violation of the provisions of this act; and provide an effective date for this act; and to provide that the invalidity or unconstitutionality of any acts, provisions or other portion of this act shall not affect the validity of any other section, provision or other portion hereof."

Also:

H. 441. To provide further for the compensation of the county or deputy solicitor in all counties having populations of not less than 17,400 nor more than 17,800, according to the last or any subsequent federal decennial census.

Also:

H. 444. To prescribe the manner of fixing the salary of the chief deputy sheriff of Geneva County, Alabama, the maximum and minimum thereof and the manner of payment of the same.

Also:

H. 475. To amend further Section 3 of Act No. 162, Regular Session 1943 (Local Acts 1943, p. 78) to fix the expense allowance of the sheriff of Cherokee County.

Also:

H. 502. To provide additional compensation or salary for the official court reporters in all circuit courts in all counties of the State of Alabama having a population of not less than 150,000 nor more than 300,000 inhabitants according to the last preceding or any subsequent federal decennial census; and providing for the payment thereof.

Also:

H. 511. To authorize the Governing Body of DeKalb County, Alabama to pay the sum of Two Thousand Five Hundred Dollars (\$2,500.00) to Richard Smith Adkins out of the General Fund of said County or out of such other funds as may be available for the payment of Deputy Sheriffs' salaries of DeKalb County, Alabama; as may be determined by the County Commission for medical expenses and other costs in connection with the injuries received by the said Richard Smith Adkins, while acting as Deputy Sheriff of DeKalb County, Alabama in the line of duty, in an automobile accident in DeKalb County.

Also:

H. 536. Relating to counties having populations of not less than 17,400 nor more than 17,800; fixing the compensation of election officers in such counties.

Also:

H. 553. Relating to Crenshaw County; amending further Act No. 502, H. 916, Regular Session 1947, (Local Acts 1947, p. 340) an act providing for the compensation of members of the court of county commissioners.

Also:

H. 612. To authorize, provide for the licensing of, and to regulate

the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in Blount County; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

Also:

H. 617. To fix and regulate the payment of the compensation and expenses of members of the county board of education of every county which has a population of not less than 50,000 nor more than 54,000.

Also:

H. 639. Relating to Cities having a population of not less than 16,000, nor more than 26,000, according to the 1960 or any subsequent decennial census of the population of the United States; changing the method of electing, the designation of, and fixing the term of office of, members of the Board of Commissioners of any such City.

Also:

H. 641. Relating to counties having populations of not less than 65,000 nor more than 95,000; regulating and providing for the payment of compensation of certain county officers.

Also:

H. 670. To amend further Section 8 of Act No. 872, H. 1118, Regular Session 1951 (Acts 1951, p. 1505) which act established the Board of Revenue and Control of Chilton County; providing for the nomination of each associate member by the authorized voters of the entire county.

Also:

H. 850. Relating to Pike County. To repeal Act No. 147 approved July 19, 1955, authorizing the Court of County Commissioners of Pike County to provide a clerk for the Deputy Solicitor for Pike County.

Also:

H. 497. To propose an amendment to the Constitution of Alabama relating to the costs and charges of courts, and the fees, commissions, percentages, allowances, and compensation of the officers of Marshall County.

Also:

H. 684. Proposing a constitutional amendment relating to Marion County.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 107. Relative to mourning the death of Judge Walter Burgwyn Jones.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution; the title of which is set out in the foregoing message from the House.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hammond:

S. 434. Relating to DeKalb County; providing that no employee or officer of the county board of education shall be a candidate in any primary election for any office without taking a leave of absence without pay.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF DeKALB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to DeKalb County; providing that no employee or officer of the county board of education shall be a candidate in any primary election for any office without taking a leave of absence without pay.

Be It Enacted by the Legislature of Alabama:

Section 1. No employee or officer of the DeKalb County board of education shall be a candidate in any primary election for any office without first taking a leave of absence from such position or office. Such leave, if granted by the board, shall be without pay and shall

be from the last date allowed for qualifying until the date of the election. However, nothing in this Act shall be held to affect such employee's or officer's continuing service status as provided in Title 52, Section 361(3) of the Teacher Tenure Act regarding the effect of leave of absence on continuing service.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall take effect July 1, 1964.

PUBLISHER'S CERTIFICATE

STATE OF ALABAMA
COUNTY OF DeKALB

Personally appeared before the undersigned, a Notary Public, within and for said County and State, Ben M. Smith, publisher of The Times-Journal, a newspaper published at Fort Payne, County of DeKalb, State of Alabama, who being duly sworn, states on oath that the notice, a true copy of which is hereto annexed, was published in said newspaper in its issues of July 18, 25, August 1, 8, 1963.

BEN M. SMITH,
Publisher.

Sworn to and subscribed before me this 9th day of August, 1963.

MAUDE C. DAVIDSON,
Notary Public.
My commission expires May 10, 1967.

By Mr. Tyson:

S. 435. Relating to Mobile County and providing for the levy and collection by the governing body of Mobile County of a privilege or license tax upon every person, firm, or corporation selling, delivering, or withdrawing from storage or keeping in storage for sale or delivery in Mobile County, any gasoline, naptha, and other liquid motor fuels, or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil," "fuel oil," or "crude oil" commonly used for lighting, heating, or industrial purposes; providing that the amount of any municipal excise tax levied on such motor fuels and paid to any municipality in Mobile County shall be a credit toward the payment of the tax levied by this Act; providing for the enforcement and collection of the tax; providing for the distribution of the proceeds thereof to the Mobile County Hospital Board to be used for public hospital purposes; providing for the application of a portion of said proceeds to repayment of any advances made by the City of Mobile for construction of or improvement to public hospital facilities owned or operated by the Mobile County Hospital Board; and providing for the repeal of Act No. 369, H. 952, Regular Session 1955 (Acts, 1955, p. 892) relating to the levy of a privilege or license tax upon liquid motor fuels in Mobile County.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF MOBILE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Mobile County and providing for the levy and collection by the governing body of Mobile County of a privilege or license tax upon every person, firm, or corporation selling, delivering, or withdrawing from storage or keeping in storage for sale or delivery in Mobile County, any gasoline, naphtha, and other liquid motor fuels, or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil," "fuel oil," or "crude oil" commonly used for lighting, heating, or industrial purposes; providing that the amount of any municipal excise tax levied on such motor fuels and paid to any municipality in Mobile County shall be a credit toward the payment of the tax levied by this Act; providing for the enforcement and collection of the tax; providing for the distribution of the proceeds thereof to the Mobile County Hospital Board to be used for public hospital purposes; providing for the application of a portion of said proceeds to repayment of any advances made by the City of Mobile for construction of or improvement to public hospital facilities owned or operated by the Mobile County Hospital Board; and providing for the repeal of Act No. 369, H. 952, Regular Session 1955 (Acts, 1955, p. 892), relating to the levy of a privilege or license tax upon liquid motor fuels in Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Mobile County is authorized to levy, in addition to all other taxes, licenses and fees of every kind now imposed by law, a county privilege or license tax upon every person, firm or corporation selling, delivering, or withdrawing from storage or keeping in storage for sale or delivery in Mobile County, any gasoline, naphtha, diesel fuel, or other liquid motor fuels, or any device or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil," "fuel oil," or "crude oil" commonly used for lighting, heating, or industrial purposes, in an amount equal to two cents (\$.02) per gallon sold, delivered, withdrawn from storage, or kept in storage for sale or delivery. Provided, however, that the tax provided for by this Act shall not be levied or paid on the sales of such motor fuels in interstate commerce, or to the federal government or any agency of the federal government, or to the State of Alabama, or to any incorporated municipality for municipal purposes, or to such motor fuels which are withdrawn from storage within Mobile County for delivery only to a point or points outside Mobile County, when the distributor or seller of such motor fuels prepares and files with the tax collector of Mobile County written statements sworn and subscribed to showing the name and address of the person and to whom such motor fuels

are or have been delivered by the distributor or seller, the volume and kind of such motor fuels and the dates of such withdrawals, and the point or points outside the county to which the motor fuels are delivered, or are to be delivered. Where the excise tax levied herein upon the sale, use, distribution, storage or withdrawal from storage in Mobile County of such motor fuels shall have been paid to the tax collector of Mobile County by any person, firm or corporation, such payment shall be sufficient, the intent being that the tax shall be paid but once.

Section 2. Every person, firm or corporation upon whom the taxes levied by this Act are imposed shall, on or before the fifteenth day of each month, file with the tax collector of Mobile County, on forms to be prescribed by the County governing body, a written statement, sworn and subscribed to which shall show: (1) the name and address of the taxpayer; (2) the amount of all sales and withdrawals of motor fuels liable for payment of the tax levied herein made during the next preceding month; (3) the amount of the sales or withdrawals of such motor fuels which are not subject to the tax, or are not to be used as a measurement of the taxes due by such taxpayer, and the nature thereof; and (4) such other information as the county governing body may demand. At the time of making such monthly statement or report, each taxpayer shall compute the amounts of taxes due, and shall pay to the tax collector of Mobile County the amount of taxes shown to be due; provided, however, that the amount of any municipal excise tax levied on such motor fuels and paid to any municipality in Mobile County shall be allowed as a credit toward and shall be deducted from the amount of the tax due the county under the provisions of this Act, when the distributor or seller of such motor fuels prepares and files with the tax collector of Mobile County written statements sworn and subscribed to showing the volume and kind of such motor fuels on which a municipal excise tax has been paid, the amount of such tax paid each municipality and the name of the municipality to which paid.

Section 3. It shall be the duty of every person, firm, or corporation upon whom a privilege or license tax is imposed by this Act to keep and preserve suitable books, accounts, papers, documents, and such other records as will clearly show the amount of sales or withdrawals of motor fuels made in Mobile County and subject to the tax levied herein. Such records shall be open, during reasonable hours at the place of business of such person, firm, or corporation, for inspection and examination by the tax collector, or his agent, or by such other person as may be designated under any rules or regulation adopted and promulgated by the governing body of Mobile County.

Section 4. The governing body of Mobile County shall promulgate and adopt rules and regulations necessary for the enforcement and collection of the tax levied herein.

Section 5. The proceeds of the tax levied herein shall be paid by the tax collector to the Mobile County Hospital Board and shall be used by that Board for public hospital purposes, as defined in the Act and in the Certificate of Incorporation under and by which it was incorporated; provided, however, that so long as there should be any obligation from the Mobile County Hospital Board to the City of Mobile for repayment of any advances made by such municipality for construction of or improvements to any public hospital facilities owned or operated by such Board, the annual proceeds up to the amount of \$50,000.00 shall be applied by said Board to such obligation. The tax collector shall keep the receipts from said county privilege or license tax authorized by this Act separate and apart from all other funds and shall keep a clear and distinct account thereof and shall turn the same over to the Mobile County Hospital Board, whose duty it shall be to receipt therefor.

Section 6. Any person, firm, or corporation who violates any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law. Each day a violation continues shall constitute a separate offense.

Section 7. Any person, firm or corporation who fails to pay the tax herein levied within the time required by this Act shall pay, in addition to the tax, a penalty of 10 per cent of the amount of tax due, together with interest thereon at the rate of one-half of one per cent per month, or fraction thereof, from the date at which the tax herein levied became due and payable, such penalty and interest to be assessed and collected as a part of the tax.

Section 8. If any provision of this Act or the application thereof to any person, firm, or circumstance, is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of the Act and the application thereof to any person, firm, or circumstance shall not be affected by such declaration.

Section 9. This Act shall become effective on the first day of the first month next following the date of its passage and approval.

Section 10. Upon this Act becoming effective, Act No. 369, H. 952, Regular Session 1955 (Acts, 1955, p. 892), as amended, relating to the levy of a privilege or license tax upon liquid motor fuels in Mobile County shall be repealed and shall be of no further force and effect thereafter.

W. F. Egan being sworn, says that he is Comptroller of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Press, July 24, 29, Aug. 5, 12, 1963.

W. F. EGAN,

Sworn to and subscribed before me This 12 day of Aug., 1963.

ROSALIE PERGANTIS,
Notary Public.

By Mr. Hawkins:

S. 436. Relating to judicial circuits composed of one county having a population of not less than 96,000 nor more than 108,000; providing a supplemental salary for the judges of such circuits subject to certain contingencies.

Committee on Local Legislation.

By Mr. Shelton:

S. 437. To amend Act No. 832, House Bill 1501, approved September 8, 1961, relating to counties having a population of not less than 80,000 nor more than 96,000 inhabitants, according to the last or any subsequent federal decennial census; prohibiting consumption of alcoholic beverages in certain places in such counties; providing that the Act shall not be construed as authorizing or legalizing the sale of alcoholic beverages at any other places in such county in which a majority of the qualified electors of the county voting at a referendum held for that purpose have voted that the county shall be a dry county; prescribing penalties for violations of the Act.

Committee on Local Legislation.

BILLS ON THIRD READING

The Bill:

H. 42. To authorize and make provision for the incorporation of Airport Authorities as public corporations for the purpose of acquiring, constructing, enlarging, equipping, improving, maintaining, developing and operating airports, heliports, airport buildings and facilities, including offices, hangars and facilities for airlines, and of constructing, acquiring, establishing, improving, extending, enlarging, reconstructing, equipping, maintaining, repairing and operating buildings, structures and facilities suitable for use as manufacturing plants, industrial plants, retail shopping areas or centers, parks, exhibits, exhibitions, or for the conduct of any lawful business, at, upon, or adjacent to any airport, heliport or aircraft landing area owned or operated by any such Authority and leasing or letting such buildings, structures or facilities; to provide that in order for any such Authority to be organized, application must be made to the governing body of one or more counties, cities or towns in Alabama, and permission for organization of such Authority must be obtained from each such governing body to which application is made; to provide for the selection of the directors and officers of each such Authority; to specify the powers of each such Authority; to endow each such Authority with eminent domain, and zoning powers; to exempt each such Authority from laws, ordinances and regulations relating to zoning or relating to the advertising and award by the State and its departments of construction or purchase contracts; to provide that any county, city, town or other political sub-division, public corporation, agency or instrumentality of this State within this State may aid and cooperate with any such Authority in the planning, undertaking, acquisition, construction and operation of airports, heliports and air navigation facilities and may lend, give, donate, sell, convey or transfer to any such Authority money, property (including existing airports and airport facilities) or any right capable of transfer; to provide that no action or suit shall be brought or maintained against any such Authority or any director thereof for or on account of the negligence of the Authority or director or of its or his agents, servants or employees; to authorize the issuance by each such Authority of interest bearing revenue bonds payable solely out of the revenues of the Authority issuing such bonds; to specify provisions of such revenue bonds issued by any such Authority and to provide that such revenue bonds shall be deemed negotiable instruments; to provide that such revenue bonds issued by any such Authority may be secured by pledge of any of the revenues of the Authority issuing such bonds, whether the Authority's right to such revenues then exist or may thereafter come into existence and by non-foreclosable mortgage on any property of any such Authority whether then in existence or thereafter acquired; to provide that such pledge may be provided for in an indenture between the Authority issuing such bonds and a trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which the principal office of the Authority is located and in any other county in which there is located any property of the Authority, the revenues from which are so pledged; to provide that any such Authority may include in any indenture or resolution authorizing the issuance of such bonds provisions customarily contained in instruments securing evidence of indebtedness; to provide that bonds issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the State or of any

county, city or town within the State; to specify the uses to which the proceeds of revenue bonds issued by any such Authority may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by any such Authority and the income therefrom and the property and income of any said Authority; to authorize the investment of any idle funds of any county; city or town within this State in bonds issued by any such Authority; to provide that bonds issued by any such Authority shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by any Authority and specifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

was taken up.

The Standing Committee on Corporations reported the following amendment to the Bill, to-wit:

COMMITTEE AMENDMENT TO H. B. 42

House Bill No. 42, Section 20, is hereby amended to read as follows, by inserting at the end of the first sentence of Section 20:

“, but nothing herein shall exempt such Authorities from laws relating to surety bond requirements for such contracts.”

Which was adopted.

Yeas 26; Nay 1.

Yeas:

Messrs.	Dumas	Lowe	Roberts
Adams	Eddins	Mathews	Robison (Montgomery)
Allen	Evans	McCain	Shelton
Brannon	Hammond	Metcalf	Smith
Carter	Hornsby	Nichols	Taylor
Clark	James	Oden	Tyson
Cooper	Lolley	Reynolds	

—26

Nay:

Mr. Robison (Pickens)

—1

Mr. Adams then offered the following amendment to the Bill, as amended, to-wit:

AMENDMENT TO H. B. 42, AS AMENDED

In the caption, strike out the word “non-forecloseable” wherever such word appears therein.

Also, in Section 13, 3rd. sentence, strike out the words and figures “but no such mortgage or assignment or deed of trust shall be subject to the sale of the Authority’s property at foreclosure to private ownership”

Which was adopted.

Yeas 27; Nay 1.

Yeas:

Messrs.	Dumas	Horton	Oden
Adams	Eddins	Lolley	Reynolds
Allen	Evans	Lowe	Roberts
Brannon	Givhan	Mathews	Robison (Montgomery)
Carter	Hammond	McCain	Smith
Clark	Hawkins	Metcalf	Taylor
Cooper	Hornsby	Nichols	Tyson

—27

Nay:

Mr. Robison (Pickens)

—1

Mr. Adams also offered the following amendment to the Bill, H. B. 42, as amended, to-wit:

AMENDMENT TO H. B. NO. 42, AS AMENDED

Amend House Bill No. 42, As Amended by adding the following at the end of Section 7 thereof:

Nothing herein shall be construed to authorize the acquisition by eminent domain of any real property or rights owned or held by railroads or utilities, both public or private.

Which was adopted.

Yeas 25; Nay 1.

Yeas:

Messrs.	Eddins	Lolley	Reynolds
Adams	Evans	Lowe	Roberts
Allen	Givhan	Mathews	Robison (Montgomery)
Carter	Hammond	McCain	Smith
Clark	Hawkins	Nichols	Taylor
Cooper	Hornsby	Oden	Tyson
Dumas	Horton		

—25

Nay:

Mr. Robison (Pickens)

—1

And said Bill, H. B. 42, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 3.

Yeas:

Messrs.	Dumas	Horton	Oden
Adams	Eddins	Lolley	Reynolds
Allen	Evans	Lowe	Robison (Montgomery)
Brannon	Givhan	Mathews	Smith
Carter	Hawkins	Metcalf	Taylor
Clark	Hornsby	Nichols	Tyson
Cooper			

—24

Nays:

Messrs.	McCain	Robison (Pickens)	Shelton	—3
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UNFINISHED BUSINESS

The Senate proceeded to consideration of the unfinished business for today, the first of which was the Resolution:

S. R. 40 — Setting special orders.

The question was on the substitute for the Resolution offered by Mr. Robison (Montgomery), which said substitute is set out at length in the Journal of the Senate for the Twenty-Ninth Legislative Day.

MOTION TO RECESS LOST

At 11:50 A. M., Mr. Eddins moved that the Senate take a recess until 12:30 P. M. today, which motion was lost.

Yeas 7; Nays 13.

Yeas:

Messrs.	Eddins	Horton	Robison (Pickens)	
Bentley	Hornsby	Robison (Montgomery)	Shelton	—7

Nays:

Messrs.	Cooper	Lolley	Oden	
Adams	Evans	Lowe	Reynolds	
Allen	Hammond	Metcalf	Wilson	
Carter	Hawkins			—13

FURTHER CONSIDERATION OF S. R. 40

The Senate proceeded to further consideration of the Resolution, S. R. 40. The question was on the substitute for the Resolution offered by Mr. Robison (Montgomery).

RECESS

At 12:30 P. M., on motion of Mr. Nichols, pending further consideration of S. R. 40, the Senate took a recess until 2 o'clock this afternoon.

AFTERNOON SESSION

THIRTIETH LEGISLATIVE DAY

TUESDAY, AUGUST 13, 1963

The Senate re-assembled at 2 o'clock P. M., Lieutenant Governor Allen presiding.

ROLL CALL

Present:

Messrs.	Eddins	Lolley	Roberts
Adams	Evans	Lowe	Robison (Montgomery)
Allen	Gilchrist	Mathews	Robison (Pickens)
Bentley	Givhan	McCain	Shelton
Brannon	Hammond	Metcalf	Smith
Carter	Hawkins	Montgomery	Taylor
Clark	Hornsby	Nichols	Tyson
Cooper	Horton	Oden	Wilson
Dumas	James	Reynolds	

—34

RESOLUTION

Messrs. Horton, Brannon, Allen, Gilchrist, Roberts, Carter, Hawkins, Shelton, Givhan, Dumas, Lowe, Hornsby, McCain, Wilson, Robison (Pickens), Cooper, Taylor, James, Evans, Eddins, Bentley, Metcalf, Clark, Lolley, Reynolds, Smith, Robison (Montgomery), Hammond, Oden, Tyson, Mathews, and Adams offered the following Senate Joint Resolution, to-wit:

S. J. R. 41. WHEREAS Mr. Jesse Earl Speight, whose recent death saddened this body, had so ably and faithfully served as Secretary of the Senate for over forty years; and

WHEREAS it is appropriate that the next publication of the ALABAMA OFFICIAL AND STATISTICAL REGISTER be dedicated to his memory; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Archives and History of the State of Alabama is requested to dedicate the next publication of the ALABAMA OFFICIAL AND STATISTICAL REGISTER to the memory of Mr. Speight and that a page suitably inscribing its dedication be included in such publication.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Mr. Peter A. Brannon, Director of the Department of Archives and History.

On motion of Mr. Robison (Montgomery), the Rules were suspended and the Resolution was unanimously adopted by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Bentley:

S. 438. Relating to the purchase of supplies, materials, equipment, and contractual services, and the sale or exchange of property, by or for Blount County; providing for competitive bidding on certain contracts, purchases, sales, and exchanges; prescribing penalties.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

**A BILL
TO BE ENTITLED
AN ACT**

**STATE OF ALABAMA
COUNTY OF BLOUNT**

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to the purchase of supplies, materials, equipment, and contractual services, and the sale or exchange of property, by or for Blount County; providing for competitive bidding on certain contracts, purchases, sales and exchanges; prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Subject to the supervision, regulation, and control of The Board of Finance and Control, the court of county commissioners, board of revenue, or other like governing body of Blount County, and any rules and regulations which such body may promulgate from time to time in exercising its authority under this Act, all purchases for the county shall be made by such county governing body or its duly authorized agent. And the Chairman of The Board of Finance and Control, or the Probate Judge as Chairman of the County Commissioners Court, shall function as purchasing agent without additional compensation. The provisions of this Act shall have application to all purchases made by or for Blount County, whether such purchases are made by the county governing body as such, or by its purchasing agent. The purchasing agent shall make all purchases of supplies, materials, equipment, and contractual services (which term as used in this Act shall not include purchase of insurance or contracts for professional or other personal services) for the county; and, subject to the approval of the Board of Finance and Control; The Court of County Commissioners, Board of Revenue, or other like governing body of the county, may promulgate reasonable rules and regulations governing the acquisition of such supplies, materials, equipment and contractual services.

Section 2. At least three written, sealed, competitive bids shall be obtained on all purchases of supplies, materials, equipment, and contractual services when the amount involved is five hundred dollars or more. If the proposed purchase or contract involves an amount less than five hundred dollars, the purchase may be made either on the basis of sealed bids or in the open market. It shall be a violation of this section to divide or otherwise adjust the quantity of a purchase to an amount less than five hundred dollars for the purpose of evading the requirements of this section. Invitations for bids shall be posted on a bulletin board in the county courthouse at least three days prior to the meeting at which the purchase is to be made. If the amount of the proposed purchase or the proposed contract is in excess of five hundred dollars, notice by mail, shall be given to at least three merchants or dealers in the goods or materials to be purchased, or where notice is of

a contract to be let, to at least three contractors engaged in the type of work contemplated.

All bids received on proposed purchases or contracts shall be opened publicly at the time and place stated in the invitation to bid. The contract or order shall be awarded to the lowest responsible bidder, or all bids may be rejected and the purchase or contract renegotiated when the public interest will be served thereby.

Section 3. In an emergency a purchase may be made without competitive bids. An emergency, as the term is used herein, means a situation where needed property of the county is idle due to lack of parts, supplies, or repairs therefor, or when materials or supplies are immediately needed to place in operating condition the road or bridge system or buildings of the county which has become impassable or dangerous due to damage or destruction of existing portions thereof or in need of repairs.

Section 4. In making purchases for the county the purchasing agent shall give preference to commodities produced or sold in Blount County provided there is no sacrifice or loss in price or quality.

Section 5. Whoever purchases or disposes of, or attempts to purchase or dispose of property for or on behalf of Blount County contrary to the provisions of this Act, or whoever violates any provision of this Act, is guilty of a misdemeanor and upon conviction shall be fined not less than one hundred nor more than one thousand dollars, and in addition may be imprisoned in the penitentiary for one year and one day.

Section 6. The Board of Finance and Control, Court of County Commissioners, Board of Revenue, or other like county governing body of Blount County shall provide the purchasing agent with the quarters, supplies, books, equipment, postage and assistance necessary for the proper and efficient conduct of his duties.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

THE STATE OF ALABAMA BLOUNT COUNTY

Personally appeared before the undersigned authority, Rice M. Howard, who, being duly sworn, deposes and says that he is the publisher of The Southern Democrat, a newspaper published in Oneonta, Alabama, and that the attached notice a bill to be entitled an act was published for 4 consecutive weeks in said newspaper, commencing on the 18 day of July, 1963, and ending on the 8 day of August, 1963.

RICE M. HOWARD,
Publisher.

Sworn to and subscribed before me this 12 day of August, 1963.

MOLLY RYAN.

By Mr. Hammond:

S. 439. Relating to counties having populations of not less than 38,000 nor more than 45,000; providing for the compensation of members of the jury commissions in such counties.

Committee on Local Legislation.

By Mr. Roberts:

S. 440. To amend Act No. 98 of the 1963 Second Special Session of the Legislature of the State of Alabama as approved by the Governor on May 8, 1963, and to amend and correct the description therein contained.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill in substance as follows will be introduced in the current or next regular or special session of the Legislature of the State of Alabama, and application will be made for its passage and approval. A bill to be entitled an Act to amend Act No. 98 of the 1963 Second Special Session of the Legislature of the State of Alabama as approved by the Governor on May 8, 1963, and to amend and correct the description therein contained.

Be It Enacted by the Legislature of the State of Alabama:

Section 1. That Act No. 98 of the 1963 Special Session of the Legislature of the State of Alabama as approved by the Governor on May 8, 1963, be and the same is hereby amended to read as follows.

"Enrolled, An Act, to alter, re-arrange and extend the boundary lines and corporate limits of the City of Huntsville in Madison County, Alabama, so as to annex certain territory to the City.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of Huntsville, Madison County, are hereby altered, re-arranged, and extended so as to include within the corporate limits of the City the following described territory situated in Madison County, Alabama, to-wit:

All that part of Section 34 and 35, Township 2 South, Range 1 West, Sections 2, 3, 4, 10, and 11. Township 3 South, Range 1 West; Madison County, Alabama, particularly described as beginning at the intersection of the West margin of Pulaski Pike and the center of Winchester Road; said place of beginning is more particularly described as being the center of said Section 10, Township 3 South, Range 1 West; said place of beginning is further described as being the Northwest corner of the present corporate boundary of the City of Huntsville; thence from the place of beginning East along Winchester Road 7920.0 feet to the center of the East boundary of Section 11, Township 3 South, Range 1 West; thence North 6600.00 feet to the center of the East boundary of the Northeast Quarter of Section 2, Township 3 South, Range 1 West; thence West 1320.0 feet to the center of the Northeast Quarter of Section 2, Township 3 South, Range 1 West; thence North 1320.0 feet to the center of the North boundary of the Northeast Quarter of Section 2, Township 3 South, Range 1 West; thence West 1320.0 feet to the center of the North boundary of Section 2, Township 3 South, Range 1 West; thence North 1320.0 feet to the center of the East boundary of the Southwest Quarter of Section 35, Township 2 South, Range 1 West; thence West 3960.0 feet to the center of the

Southeast Quarter of Section 34, Township 2 South, Range 1 West; thence South 660.0 feet to the centerline of the West boundary of the Southeast quarter of the Southeast quarter of Section 34, Township 2 South, Range 1 West; thence West 1320.0 feet to the center of the West boundary of the Southwest quarter of the Southeast quarter of Section 34, Township 2 South, Range 1 West; thence South 198.0 feet to the center of the East boundary of the Northwest Quarter of Section 3, Township 3 South, Range 1 West; thence West 5280.0 feet to the center of the West boundary of the Northeast Quarter of Section 4, Township 3 South, Range 1 West; thence South 3300 feet to the center of the West boundary of the Southwest Quarter of the Southeast Quarter of Section 4, Township 3 South, Range 1 West; thence East 1320.0 feet to the center of the East boundary of the Southwest Quarter of the Southeast Quarter of Section 4, Township 3 South, Range 1 West; thence East 1320.0 feet to the center of the East boundary of the Southwest Quarter of the Southeast Quarter of Section 4, Township 3 South, Range 1 West, thence South 660.0 feet to the center of the South boundary of the Southeast Quarter of Section 4, Township 3 South, Range 1 West; thence East along the South boundary of Sections 3 and 4, 2340.0 feet to the center of Pulaski Pike; thence Southeastwardly along the centerline of Pulaski Pike 2905.0 feet to its intersection with the Quarter section line of said Section 10, Township 3 South, Range 1 West; thence South along the Quarter Section line of said Section 10, 430.0 feet to the center of Section 10, Township 3 South, Range 1 West to the place of beginning.

and also

All that part of Sections 30 and 31, Township 3 South, Range 1 West, Sections 6 and 7, Township 4 South, Range 1 West; Sections 35 and 36, Township 3 South, Range 2 West and Sections 1, 2, 11 and 12, Township 4 South, Range 2 West; Madison County, Alabama; particularly described as beginning at a point on the West boundary of the corporate limits of the City of Huntsville, Alabama, which point is further described as being located at the Southwest corner of the corporate limits of the City of Huntsville and is also described as being located at the intersection of the South margin of the right-of-way of the Southern Railway with the East boundary of the Northwest Quarter of Section 7, Township 4 South, Range 1 West; thence North along the City of Huntsville Corporate limits 9,595 feet to the center of Section 31, Township 3 South, Range 1 West; thence East 2,640 feet to the center of the East boundary of Section 31, Township 3 South, Range 1 West; thence North 2,640 feet to the Northeast corner of Section 31, Township 3 South, Range 1 West; thence West 2,850 feet to the center of Athens Pike or U. S. Highway 72; thence North 71 degrees West along the center line of Athens Pike or U. S. Highway 72, 2,500 feet to a point on the West boundary of Section 30, Township 3 South, Range 1 West; thence South 815 feet to the Northeast corner of Section 36, Township 3 South, Range 2 West; thence West 7,920 feet to the center of the North boundary of Section 35, Township 3 South, Range 2 West; thence South 15,710 feet to a point on the West boundary of the Southeast quarter of Section 11, Township 4 South, Range 2 West; said point is further described as being located on the North margin of the Southern Railway right-of-way; thence North 71 degrees East along the North margin of the Southern Railway right-of-way 1,475 feet to a point in the center line of Indian Creek; thence North along the center line of Indian Creek and along the West boundary of the Georgia Industrial Realty Company lands a distance of 5,900 feet to a point on the North boundary of the Northeast quarter of Section 11, Township 4 South, Range 2 West; thence East 4,600 feet to the Northeast corner of the Georgia Industrial Realty Company lands; said point is further described as being located on the

North boundary of the Northeast quarter of Section 12, Township 4 South, Range 2 West; thence South 0 degrees 15 minutes West 1,990 feet; thence South 89 degrees 45 minutes East 850.1 feet; thence South 0 degrees 15 minutes West 815 feet to a point on the South margin of the Southern Railway right-of-way; thence North 71 degrees East along the South margin of the Southern Railway right-of-way 3,400 feet to the place of beginning.

and also

All that part of Sections 10 and 15, Township 3 South, Range 1 West, Madison County, Alabama, particularly described as beginning at the Northwest corner of said Section 10, Township 3 South, Range 1 West; thence from the place of beginning East along the North boundary of said Section 10, 1020 feet to the centerline of Pulaski Pike; thence Southeastwardly along the centerline of Pulaski Pike 2905 feet to its intersection with the Quarter Section line of said Section 10, Township 3 South, Range 1 West; thence South along the Quarter Section line 3000 feet to the South boundary of the W. E. Darnell tract; thence Westwardly along the South boundary of the W. E. Darnell tract 2640 feet to the West boundary of said Section 15, Township 3 South, Range 1 West; thence Northwardly along the West boundary of said Sections 15 and 10, Township 3 South, Range 1 West 5727 feet to the place of beginning and containing 323 acres, more or less.

Also the Northwest $\frac{1}{4}$, S. 15, T. 3 S., Range 1 West, less and except a uniform strip of land of 447 feet depth off the entire North side of said one-quarter section.

and also

All that part of Sections 9, 16, 21, 22, 27, 28, 32 and 33, Township 4 South, Range 1 East, and Sections 4, 5, 8, 9, 16, 17 and 20, Township 5 South, Range 1 East, Madison County, Alabama, particularly described as beginning at the center of the East boundary of the Southwest quarter of Section 9, Township 4 South, Range 1 East, which point is further described as being located on the East boundary of the corporate limits of the City of Huntsville, Alabama; thence West along the corporate boundary of the City of Huntsville 2,640 feet to the center of the West boundary of the Southwest quarter of Section 9, Township 4 South, Range 1 East; thence North 2,640 feet to the center of the West boundary of the Northwest quarter of Section 9, Township 4 South, Range 1 East; thence East 2,640 feet to the center of the East boundary of the Northwest quarter of Section 9, Township 4 South, Range 1 East; thence South leaving the present corporate limits of the City of Huntsville, 2,640 feet to the center of the West boundary of the Southeast quarter of Section 9, Township 4 South, Range 1 East; thence East 1,320 feet to the center of the Southeast quarter of Section 9, Township 4 South, Range 1 East; thence South 1,320 feet to the center of the South boundary of the Southeast quarter of Section 9, Township 4 South, Range 1 East; thence East 1,320 feet to the Northeast corner of Section 16, Township 4 South, Range 1 East; thence South 5,280 feet to the Southeast corner of Section 16, Township 4 South, Range 1 East; thence East 2,640 feet to the center of the North boundary of Section 22, Township 4 South, Range 1 East; thence South 10,560 feet to the center of the South boundary of Section 27, Township 4 South, Range 1 East; thence West 2,640 feet to the Northeast corner of Section 33, Township 4 South, Range 1 East; thence South 10,560 feet to the Southeast corner of Section 4, Township 5 South, Range 1 East; thence West 1,320 feet to the center of the North boundary of the Northeast quarter of Section 9, Township 5 South, Range 1 East; thence South 2,640 feet to the center of the

South boundary of the Northeast quarter of section 9, Township 5 South, Range 1 East; thence West 1,320 feet to the center of Section 9, Township 5 South, Range 1 East; thence South 2,640 feet to the center of the South boundary of Section 9, Township 5 South, Range 1 East; thence West 1,320 feet to the center of the South boundary of the Southwest quarter of Section 9, Township 5 South, Range 1 East; thence South 2,640 feet to the center of the South boundary of the Northwest quarter of Section 16, Township 5 South, Range 1 East; thence West 660 feet to the center of the North boundary of the Northwest quarter of the Southwest quarter of Section 16, Township 5 South, Range 1 East; thence South 2,640 feet to the center of the South boundary of the Southwest quarter of the Southwest quarter of Section 16, Township 5 South, Range 1 East; thence West 660 feet to the Southwest corner of Section 16, Township 5 South, Range 1 East; thence South 1,320 feet to the center of the East boundary of the Northeast quarter of Section 20, Township 5 South, Range 1 East; thence West 2,640 feet to the center of the West boundary of the Northeast quarter of Section 20, Township 5, Range 1 East, which point is further described as being the Southeast corner of the present corporate boundary of the City of Huntsville; thence along the Eastern boundary of the corporate limits of the City of Huntsville to the place of beginning as follows; North 2,640 to the center of the East boundary of the Southwest quarter of Section 17, Township 5 South, Range 1 East; thence West 2,640 feet to the center of the West boundary of the Southwest quarter of Section 17, Township 5 South, Range 1 East; thence North 6,600 feet to the center of the West boundary of Section 8, Township 5 South, Range 1 East; thence East 1,320 feet to the center of the South boundary of the Northwest quarter of Section 8, Township 5 South, Range 1 East; thence North 10,560 feet to the center of the North boundary of the Southwest quarter of Section 32, Township 4 South, Range 1 East; thence East 1,320 feet to the center of Section 32, Township 4 South, Range 1 East; thence North 2,640 feet to the center of the North boundary of Section 32, Township 4 South, Range 1 East; thence East 2,640 feet to the Northeast corner of Section 32, Township 4 South, Range 1 East; thence North 7,920 feet to the center of the West boundary of Section 21, Township 4 South, Range 1 East; thence East 1,320 feet to the center of the South boundary of the Northwest quarter of Section 21, Township 4 South, Range 1 East; thence North 2,640 feet to the center of the North boundary of the Northwest quarter of Section 21, Township 4 South, Range 1 East; thence East 3,300 feet to the center of the South boundary of the Southeast quarter of the Southeast Quarter of Section 16, Township 4 South, Range 1 East; thence North 1,320 feet to the center of the North boundary of the Southeast quarter of the Southeast quarter of Section 16, Township 4 South, Range 1 East; thence West 1,980 feet to the center of the West boundary of the Southeast quarter of Section 16, Township 4 South, Range 1 East; thence North 5,280 feet to the center of the East boundary of the Southwest quarter of Section 9, Township 4 South, Range 1 East, which point is the place of true beginning.

and also

All that part of Sections 25 and 36, Township 4 South, Range 1 West and Sections 1 and 2, Township 5 South, Range 1 West, Madison County, Alabama, particularly described as beginning at a point on the West margin of the present corporate limits of the City of Huntsville, Alabama, which point is further described as being located South 550 feet from the center of the South boundary of the Northwest quarter of the Northeast quarter of Section 25, Township 4 South, Range 1 West; said place of beginning is also described as being located on the East boundary of the Byrd Spring Rod and Gun

Club tract; thence Southwardly along the East boundary of the Byrd Spring Rod and Gun Club tract 5,035 feet to a point on the South boundary of the Northwest quarter of the Northeast quarter of Section 36, Township 4 South, Range 1 West; thence East 1,600 feet to the center of the North boundary of the Northwest quarter of the Southeast quarter of the Northeast quarter of Section 36, Township 4 South, Range 1 West; thence South 7,920 feet to the center of the North boundary of the Northwest quarter of the Southeast quarter of the Southeast quarter of Section 1, Township 5 South, Range 1 West; thence West 2,970 feet to a point on the East boundary of the United States Government Redstone Arsenal boundary; thence Southwardly along the East boundary of the United States Government Redstone Arsenal property 2,820 feet to a point on the present corporate limit line of the City of Huntsville; thence along the present corporate limit line of the City of Huntsville to the place of beginning as follows: East 3,550 feet to the center of the East boundary of the Northeast quarter of Section 12, Township 5 South, Range 1 West; thence North 11,880 feet to the Northeast corner of Section 36, Township 4 South, Range 1 West; thence West 1,320 feet to the center of the North boundary of the Northeast quarter of Section 36, Township 4 South, Range 1 West; thence North 1,320 feet to the center of the Southeast quarter of Section 25, Township 4 South, Range 1 West; thence West 660 feet to the center of the North boundary of the Southwest quarter of the Southeast Quarter of Section 25, Township 4 South, Range 1 West, thence North 2,090 feet to the place of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for said State and County, personally appeared W. C. Lewis, known to me, who being by me first duly sworn, deposes and says he is Secretary-Treasurer of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on July 23, 30, August 6 and 12, 1963.

W. C. LEWIS,
Secretary-Treasurer.

Sworn to and subscribed before me this the 12 day of August, 1963.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 10, 1967.

By Mr. Taylor:

S. 441. To prescribe the qualifications for the county superintendents of education of counties having populations of not less than 17,500 nor more than 17,800, and repealing conflicting laws.

Committee on Local Legislation.

By Mr. Oden:

S. 442. To authorize and provide for converting Northwest Alabama Junior College into an institution of the type authorized by Act

No. 93, Second Special Session 1963; prescribing the manner of so converting such college and providing for the transfer of certain duties and responsibilities of the board of trustees thereof to the State Board of Education; and constituting said board of trustees an advisory committee to advise and assist the State Board of Education in matters relative to such college.

Committee on Finance and Taxation.

By Mr. Allen:

S. 443. Relating to counties having populations of not less than 42,000 nor more than 46,000; providing sick leaves of absence with pay for all regularly employed school bus drivers of such counties.

Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Dominick, Rast, Brown (Jefferson), Etheredge, Perry, Bailes, Vacca, Meeks, Morrow, Sessions, Gilmore, Hawkins and Collins:

H. 675. To amend further Act No. 452, H. 974, Regular Session 1955 (Acts 1955, p. 1004), relating to the establishment of a mayor-council form of municipal government in cities having populations of more than 200,000.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 675 — to the Committee on Local Legislation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Bevill:

H. 1102. To amend Code of Alabama 1940, Title 52, Section 282, in relation to the Alabama public school corporation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1102 — to the Committee on Finance and Taxation

REPORTS OF COMMITTEES

Mr. Wilson, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Allen, Hammond, Carter, Lolley and Lowe:

S. 385. To propose an amendment to the Constitution fixing the compensation of members of the Alabama Legislature.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Nabors et al:

H. 33. Proposing an amendment to the Constitution of Alabama to authorize certain constitutional officers to serve an additional successive term in the office to which elected.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. Metcalf, Hawkins, Taylor, Allen, Hornsby, McDow, Nichols, Oden, Hammond, Smith, Tyson, Clark, Lolley, Carter and McCain:

S. 58. To propose an amendment to Section 177, Article VIII of the Constitution of Alabama, to provide that citizens eighteen years of age or older shall be electors.

The above Bill was read a second time at length as required by the Constitution.

UNFINISHED BUSINESS

The Senate proceeded to consideration of the unfinished business of the Morning Session, which was the Resolution:

S. R. 40 — Setting special orders.

The question was on the substitute for the Resolution offered by Mr. Robison (Montgomery) and said substitute was then adopted by the Senate.

And the Resolution, S. R. 40, as thus amended by the substitute, was then adopted by the Senate.

RESOLUTION

Messrs. Metcalf and Tyson offered the following Senate Joint Resolution, to-wit:

S. J. R. 42. BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, that the intent of the Legislature with regard to allocation for salary allotments from the Minimum Program Fund appropriation shall be as follows:

1. Funds have been appropriated to the Minimum Program Fund for each of the fiscal years ending September 30, 1964, and September 30, 1965, which will provide an increase in the State salary allotment for the teachers in each rank of certificate from I to V inclusive of 17.64% over the allotment for 1962-63.

2. The State Board of Education is directed to use the following salary allotment schedule to provide this average increase:

Allocation 1962-63	Rank of Certificate	Allocation 1963-64 1964-65
\$ 4,210.00	I	\$ 4,953.00
3,635.00	II	4,276.00
2,935.00	III	3,453.00
2,475.00	IV	2,912.00
2,130.00	V	2,506.00

3. The State Superintendent of Education is directed to see that each local Board of Education which receives the allotments for salaries of teachers shall increase average salaries for teachers holding a given rank of certificate by the difference in the present and proposed salary allotment for said rank of certificate as shown in paragraph 2 above, and he shall report any lack of compliance to the State Board of Education.

4. The State Board of Education shall establish such rules and regulations as may be necessary to carry out the provisions of this resolution in order that compliance may be reported to the 1965 session of the Legislature.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Beville and Scurlock:

H. 984. To create the State Sovereignty Commission in the Executive Branch of the Government of the State of Alabama, to provide for the membership thereof; to describe its duties, authority and powers; to provide the method for the selection of its members, their status and term of service; and to repeal all laws or parts of laws in conflict herewith.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing

Committee, as follows:

H. B. 984 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Goodwyn, Brewer, Holladay and Cates:

H. 422. To provide equality and prevent inequality in the levy and collection of taxes applicable to or paid by Banks and Savings and Loan Associations doing business in the State of Alabama amending Section 619 (1) Title 51, Code of Alabama, 1940 as amended.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 422 — to the Committee on Banking

UNFINISHED BUSINESS

BILLS ON THE THIRD READING

The Senate proceeded to consideration of the unfinished business for today which was the Bill:

S. 78. To amend Sections 20 and 21 of Title 30, Code of Alabama (1940), which relate to the qualifications of persons on jury rolls.

The question was on the motion of Mr. Gilchrist that the Senate reconsider the vote by which the Senate refused to table the motion by Mr. McDow that further consideration of S. B. 78 be postponed until the next legislative day (Twenty-ninth Legislative Day). The Chair ruled that said motion now having become moot, the Senate would proceed to consideration of the Bill, S. B. 78.

Mr. Robison (Pickens) offered the following amendment to the Bill, to-wit:

AMENDMENT TO S. B. 78

In Section 2, strike out the following words and figures: The jury commission shall give written notice to any woman whose name is to be placed in the jury box. Unless she writes within fifteen days of the receipt of the notice asking that her name not be placed in the jury box, then her name shall be so placed.

On motion of Mr. Carter, said amendment was laid on the table.

Yeas 19; Nays 13.

Yeas:

Messrs.	Dumas	James	Oden
Adams	Gilchrist	Lolley	Robison (Montgomery)
Allen	Hawkins	Mathews	Smith
Bentley	Hornsby	Metcalf	Taylor
Carter	Horton	Nichols	Tyson

—19

Nays:

Messrs.	Eddins	Lowe	Roberts
Brannon	Evans	McCain	Robison (Pickens)
Clark	Givhan	Montgomery	Wilson
Cooper	Hammond		

—13

Mr. Hornsby offered the following amendment to the Bill, S. B. 78, to-wit:

AMENDMENT TO S. B. 78

In section 2, strike out the second paragraph and insert the following:

"Section 21. The jury commission shall place on the jury roll and in the jury box the names of all citizens of the county who are generally reputed to be honest and intelligent and are esteemed in the community for their integrity, good character and sound judgment; but the jury commission shall not place on the jury roll or in the jury box the name of any woman unless and until she files with the commission, or with the judge of probate or the clerk or presiding judge of the circuit court, a written request that her name be placed on the jury roll. No person must be selected who is under twenty-one or who is an habitual drunkard, or who, being afflicted with a permanent disease or physical weakness is unfit to discharge the duties of a juror; or cannot read English or who has ever been convicted of any offense involving moral turpitude. If a person cannot read English and has all the other qualifications perscribed herein and is a freeholder or householder his name may be placed on the jury roll and in the jury box. A person over the age of sixty-five years shall not be required to serve on a jury or to remain on the panel of jurors unless he is willing to do so."

On motion of Mr. Tyson, said amendment was laid on the table.

Mr. Cooper offered the following amendment to the Bill, to-wit:

AMENDMENT TO S. B. 78

Strike out Section 3 of the bill entirely and insert in lieu thereof the following:

Section 3. The provisions of this Act in respect of jury service for women shall not become effective until after an election is held, to be called by the governor, to determine whether this Act shall be effective in the respective counties of the state. In those counties where a majority of the voters voting in the election vote for adoption of the Act, this Act and all of its provisions shall be immediately put into operation in such counties. In those counties where a majority of the voters voting in the election vote against adoption of this act, those

provisions of the act which authorize women to serve on juries shall not be operative. This election shall be conducted and regulated in all respects, as nearly as may be, as provided by Code of Alabama 1940, Title 29, Section 68, relating to the conduct of elections held to change the classification of wet and dry counties, but no petition to call such election shall be necessary.

Mr. Hawkins moved that said amendment be laid on the table, and the motion to table was lost.

Yeas 12; Nays 21.

Yeas:

Messrs.	Horton	Metcalf	Robison (Montgomery)
Gilchrist	Mathews	Nichols	Shelton
Hawkins	McCain	Roberts	Smith
Hornsby			—12

Nays:

Messrs.	Clark	James	Reynolds
Adams	Cooper	Lolley	Robison (Pickens)
Allen	Eddins	Lowe	Taylor
Bentley	Evans	Montgomery	Tyson
Brannon	Givhan	Oden	Wilson
Carter	Hammond		—21

The question recurred on the amendment to the Bill, S. B. 78, offered by Mr. Cooper, and said amendment was then adopted.

Yeas 19; Nays 12.

Yeas:

Messrs.	Clark	Hammond	Reynolds
Allen	Cooper	James	Robison (Pickens)
Bentley	Eddins	Lolley	Taylor
Brannon	Evans	Lowe	Tyson
Carter	Givhan	Montgomery	Wilson
			—19

Nays:

Messrs.	Horton	Metcalf	Roberts
Dumas	Mathews	Nichols	Robison (Montgomery)
Hawkins	McCain	Oden	Smith
Hornsby			—12

Mr. Tyson then offered the following amendment to the Bill, S. B. 78, as amended, to-wit:

AMENDMENT TO S. B. 78 AS AMENDED

Amend S. B. 78 as amended, by adding thereto the following:

Section 4. The provisions of this Act are severable. Should any section or provision thereof be held invalid by a court of competent jurisdiction, said holding shall not invalidate the remaining provisions or sections thereof.

Which was adopted.

Yeas 28; Nays 5.

Yeas:

Messrs.	Dumas	James	Reynolds
Adams	Evans	Lolley	Roberts
Allen	Gilchrist	Lowe	Robison (Montgomery)
Bentley	Hammond	Mathews	Shelton
Brannon	Hawkins	McCain	Smith
Carter	Hornsby	Metcalf	Tyson
Clark	Horton	Oden	Wilson
Cooper			—28

Nays:

Messrs.	Givhan	Robison (Pickens)	Taylor
Eddins	Montgomery		—5

And said Bill, S. B. 78, as thus amended, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment:

Yeas 26; Nays 7.

Yeas:

Messrs.	Dumas	Lolley	Roberts
Adams	Evans	Mathews	Robison (Montgomery)
Allen	Gilchrist	McCain	Shelton
Bentley	Hawkins	Metcalf	Smith
Carter	Hornsby	Nichols	Tyson
Clark	Horton	Oden	Wilson
Cooper	James	Reynolds	—26

Nays:

Messrs.	Eddins	Lowe	Robison (Pickens)
Brannon	Givhan	Montgomery	Taylor
			—7

RESOLUTION

Mr. Cooper offered the following Senate Joint Resolution, to-wit:

S. J. R. 43. WHEREAS it has been learned with the deepest regret of the death yesterday in Mobile of Mr. J. R. McDow, Sr., father of our esteemed colleague Senator James T. McDow, the funeral being tomorrow morning at eleven o'clock in Columbiana; and

WHEREAS Mr. McDow is survived by his wife Mrs. Ann McDow and two other sons John Michael McDow and J. R. McDow, Jr., all of Mobile, and was a member of a large and devoted family having three sisters and seven brothers all of whom reside in this state, and many other relatives; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body expresses its deepest sorrow upon the death of Mr. McDow and extends its sincere sym-

pathy to the surviving members of his family to whom a copy of this resolution shall be sent.

RESOLVED FURTHER that an appropriate committee be appointed to attend the funeral and burial services.

On motion of Mr. Cooper, the Rules were suspended and the Resolution was adopted by the Senate.

APPOINTMENT OF SELECT COMMITTEE

In accordance with the provisions of Senate Joint Resolution 43, the President and Presiding Officer of the Senate appointed As Committee on part of the Senate Messrs. Shelton, Roberts, Cooper and Carter.

BILLS ON THIRD READING RESUMED SPECIAL ORDERS

The Senate proceeded to consideration of the special, paramount and continuing order of business for today, the first of which was the Bill:

H. 94. To amend Act No. 248, H. 87, Regular Session 1955 (Acts 1955, v. 1, p. 586), an act levying a state lodgings tax, so as to increase the rate of the tax and to provide further for the distribution of revenue derived therefrom.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, to-wit:

AMENDMENT TO H. B. 94

Amend House Bill 94 by amending Section 19 as set forth in Section 2 of said bill so as to add at the end of Section 19 the following words after deleting the period:

"from the appropriation made by the Legislature."

Which was adopted.

Yeas 31; Nay 1.

Yeas:

Messrs.	Eddins	James	Reynolds
Adams	Evans	Lolley	Roberts
Bentley	Gilchrist	Lowe	Robison (Montgomery)
Brannon	Givhan	McCain	Robison (Pickens)
Carter	Hammond	Metcalf	Shelton
Clark	Hawkins	Montgomery	Smith
Cooper	Hornsby	Nichols	Taylor
Dumas	Horton	Oden	Wilson

—31

Nay:

Mr. Tyson

—1

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 31; Nays 2.

Yeas:

Messrs.	Dumas	James	Roberts
Adams	Eddins	Lolley	Robison (Montgomery)
Allen	Evans	Lowe	Robison (Pickens)
Bentley	Givhan	McCain	Shelton
Brannon	Hammond	Montgomery	Smith
Carter	Hawkins	Nichols	Taylor
Clark	Hornsby	Oden	Tyson
Cooper	Horton	Reynolds	Wilson

—31

Nays:

Messrs.	Gilchrist	Metcalf
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—2

The Bill:

H. 734. To amend Section 1 of Act No. 912, Regular Session 1961, H. 1292, approved September 8, 1961, entitled "An Act To Amend Section 348 Title 51, Code of Alabama 1940, and to repeal all laws, and parts of laws, General or Special, In Conflict Herewith," which Act and this Amendment thereto relate to the imposition of a franchise tax on foreign corporations doing business in the State based on the actual amount of its capital employed in the State, defining capital, providing for a method of determining the actual amount of its capital so employed and establishing such determination as a rebuttable presumption as to the actual amount of its capital so employed, providing for exclusions and deductions from the amount of capital so determined and repealing all laws and parts of laws in conflict herewith.

Was read a third time at length and passed.

Yeas 32; Nays 0.

Yeas:

Messrs.	Eddins	James	Reynolds
Adams	Evans	Lolley	Roberts
Allen	Gilchrist	Lowe	Robison (Montgomery)
Bentley	Givhan	McCain	Robison (Pickens)
Brannon	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	Horton	Oden	Wilson
Dumas			

—32

Nays:

—0

The Bill:

H. 388. To amend Sections 647 and 649 of Title 51, Code of Alabama 1940, as last amended by Act No. 948, 1961 Acts of Alabama, page 1523, relating to the excise tax on gasoline, so as to provide that one-half of one per cent of the state excise gasoline taxes collected in this

State, with certain exceptions, shall be deposited to the Water Safety and Seafood Funds, and to provide for the expenditure of such funds deposited; and to repeal all laws or parts of laws in conflict with the provisions of this Act.

Was read a third time at length and passed.

Yeas 33; Nays 0.

Yeas:

Messrs.	Eddins	Lolley	Reynolds
Adams	Evans	Lowe	Robison (Montgomery)
Allen	Gilchrist	Mathews	Robison (Pickens)
Bentley	Givhan	McCain	Shelton
Brannon	Hammond	Metcalf	Smith
Carter	Hawkins	Montgomery	Taylor
Clark	Hornsby	Nichols	Tyson
Cooper	Horton	Oden	Wilson
Dumas	James		

—33

Nays:

—0

The Bill:

H. 93. To provide for and regulate salaries payable to certain state officers and employees in state service, further amending Code of Alabama 1940, Title 41, Section 152, and repealing laws in conflict herewith.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, to-wit:

AMENDMENT TO H. B. 93

Amend Section 3 of said bill by adding thereto the words "State Toxicologist".

Amend Section 4 of said bills by adding thereto the words "State Budget Office" and "State Service Commissioner".

Amend Section 5 of said bill by striking therefrom the words "State Service Commissioner".

Mr. Clark offered the following substitute for the Bill, H. B. 93 and pending Committee Amendment, to-wit:

SUBSTITUTE FOR H. B. 93

A BILL TO BE ENTITLED AN ACT

To provide for and regulate salaries payable to certain state officers and employees in state service, further amending Code of Alabama 1940,

Title 41, Section 152, and repealing laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. That Title 41, Section 152, Code of Alabama 1940, as last amended by Act No. 1034, Acts of 1961, page 1619, is further amended to read as follows:

When not fixed by law or provided for in the pay plan of the merit system, the Governor is authorized to fix or approve salaries or compensation of officers and employees of the State of Alabama, but no salary or compensation, including those provided for in the pay plan of the merit system for unclassified positions, in the state service, shall be fixed or approved in excess of ten thousand dollars (\$10,000) per annum, unless a different maximum is fixed by law. The State Personnel Board may provide in the pay plan for officers and employees in the classified service of the state, other than physicians employed by the State Health Department whose salaries are fixed in accordance with Section 9, Title 22 of this Code, as amended, and the Directors of Unemployment Compensation and Employment Service whose salaries are fixed by Section 25, Title 26, of this code, and are paid solely from Federal grants, and employees of the State Docks Department, a maximum salary or compensation not exceeding eleven thousand dollars (\$11,000) per annum, any law now applying to the salary or compensation of specific officers or employees to the contrary notwithstanding; and provided further, where the salary or compensation of any officer or employee in the exempt or unclassified service is now fixed by law at a lower amount the appointing authority (as defined in the merit system law) may fix the salary or compensation at an amount not exceeding the maximum salary of officers and employees in the unclassified service. The salary or compensation of officers and employees of the State Docks Department who are in the classified service of the state shall be provided for in the pay plan of the merit system without regard to the limitations prescribed herein.

Section 2. The following public officers in the service of the State shall each be paid a salary not to exceed fourteen thousand dollars (\$14,000) per annum, the exact amount to be determined by the authority that appoints such officers: Director of the Department of Finance, Commissioner of Revenue, Administrator of the Alcoholic Beverage Control Board, State Health Officer, Executive Secretary to the Governor.

Section 3. The following public officers in the service of the State shall each be paid a salary not to exceed thirteen thousand dollars (\$13,000) per annum, the exact amount to be determined by the authority that appoints such officers: Commissioner of Pensions and Security, Director the State Department of Conservation, Adjutant General, Director of the State Department of Public Safety, Legal Advisor to the Governor, State Toxicologist.

Section 4. The following public officers in the service of the state shall each be paid a salary not to exceed twelve thousand dollars (\$12,000) per annum, the exact amount to be determined by the authority that appoints such officers: Director of the Planning and Industrial Development Board, Director of the State Personnel Department, Superintendent of Banks, Superintendent of Insurance, Commissioner of Corrections, Press Secretary for the Governor, State Geologist, State Budget Officer, State Service Commission.

Section 5. The following public officers in the service of the state shall each be paid a salary not to exceed ten thousand five hundred dollars (\$10,500) per annum, the exact amount to be determined by

the authority that appoints such officers: Director of Aeronautics, Director of the Department of Archives and History, Director of the Department of Labor, Director of the Department of Publicity and Information, Director of the Department of Civil Defense, Member of the Pardon and Parole Board.

Section 6. The salaries and compensations fixed or provided for in Sections 2-5 above shall be paid at the same time, in the same manner and out of the same funds from which the salaries and compensations heretofore provided by law for such officers were paid and in the amounts herein specified, or so much thereof as may be necessary to pay the salaries and compensations fixed under Sections 2-5 hereof are hereby appropriated out of such funds for this purpose.

Section 7. The provisions of this Act are hereby declared to be severable. Should any section or provision thereof be held invalid or unenforceable by a court of competent jurisdiction, said holding shall not invalidate or render unenforceable the remaining provisions or sections thereof.

Section 8. All laws or parts of laws, local, special or general, in conflict with the provisions of this Act are hereby specifically repealed.

Section 9. The provisions of this Act shall become effective October 1, 1963; provided that should there be a statutory or constitutional prohibitions preventing any of those public officers named herein from receiving such prescribed compensation as of such date, the provisions of such Act shall become effective as to them immediately following the date upon which such prohibition expires.

Mr. Oden moved that further consideration of the Bill, H. B. 93, and pending substitute be postponed until the next Legislative Day. On motion of Mr. Clark, the motion to postpone was laid on the table.

Yeas 29, Nays 4.

Yeas:

Messrs.	Dumas	James	Roberts
Adams	Evans	Lolley	Robison (Montgomery)
Allen	Gilchrist	Lowe	Shelton
Bentley	Givhan	McCain	Smith
Brannan	Hammond	Montgomery	Taylor
Carter	Hawkins	Nichols	Tyson
Clark	Hornsby	Reynolds	Wilson
Cooper	Horton		

—29

Nays:

Messrs.	Metcalf	Oden	Robison (Pickens)
Eddins			

—4

And the substitute offered by Mr. Clark for the Bill, H. B. 93, and pending Committee Amendment, was then adopted by the Senate.

Yeas 33; Nay 1.

Yeas:

Messrs.	Allen	Brannan	Clark
Adams	Bentley	Carter	Cooper

Dumas	Hornsby	Metcalf	Robison (Pickens)
Eddins	Horton	Montgomery	Shelton
Evans	James	Nichols	Smith
Gilchrist	Lolley	Reynolds	Taylor
Givhan	Lowe	Roberts	Tyson
Hammond	Mathews	Robison (Montgomery)	Wilson
Hawkins	McCain		

—33

Nay:

Mr. Oden

—1

Mr. Robison (Pickens) offered the following amendment to the Bill, H. B. 93, as amended, to-wit:

AMENDMENT TO H. B. 93 AS AMENDED

In Section 2, strike out the words and figures "fourteen thousand dollars (\$14,000)" and insert "\$12,500"

Also, in Section 3, strike out the words and figures "thirteen thousand dollars (\$13,000)" and insert "\$12,000"

Also, in Section 4, strike out the words and figures "twelve thousand dollars (\$12,000)" and insert "\$11,300"

Also, in Section 5, strike out the words and figures "ten thousand five hundred dollars (\$10,500)" and insert "\$10,000"

On motion of Mr. Clark, said amendment was laid on the table.

Yeas 18; Nays 14.

Yeas:

Messrs.	Cooper	Mathews	Robison (Montgomery)
Adams	Evans	Montgomery	Smith
Allen	Givhan	Nichols	Taylor
Carter	Hawkins	Reynolds	Tyson
Clark	Lolley	Roberts	

—18

Nays:

Messrs.	Eddins	James	Oden
Bentley	Gilchrist	Lowe	Robison (Pickens)
Brannan	Hornsby	McCain	Wilson
Dumas	Horton	Metcalf	

—14

Mr. Robison (Pickens) then offered the following amendment to the Bill, H. B. 93, as amended, to-wit:

AMENDMENT TO H. B. 93 AS AMENDED

In Section 2, strike out the words and figures "fourteen thousand dollars (\$14,000)" and insert "\$12,500"

Also, in Section 3, strike out the words and figures "thirteen thousand dollars (\$13,000)" and insert "\$12,000"

Also, in Section 4, strike out the words and figures "twelve thousand dollars (\$12,000)" and insert "\$11,300"

On motion of Mr. Clark, said amendment was laid on the table.

Yeas 23; Nays 8.

Yeas:

Messrs.	Cooper	Lolley	Roberts
Adams	Dumas	Lowe	Robison (Montgomery)
Allen	Evans	Mathews	Smith
Brannan	Givhan	Montgomery	Taylor
Carter	Hammond	Nichols	Tyson
Clark	Hawkins	Reynolds	Wilson
			—23

Nays:

Messrs.	Hornsby	James	Oden
Eddins	Horton	McCain	Robison (Pickens)
Gilchrist			—8

MOTION TO ADJOURN LOST

At 5:30 P. M., Mr. Robison (Pickens) moved that the Senate now adjourn until Friday, August 16, 1963, at 10 o'clock A. M., which motion was lost.

Yeas 5; Nays 28.

Yeas:

Messrs.	McCain	Robison (Montgomery)	Robison (Pickens)
Eddins	Oden		—5

Nays:

Messrs.	Evans	James	Reynolds
Adams	Gilchrist	Lolley	Roberts
Bentley	Givhan	Lowe	Shelton
Brannan	Hammond	Mathews	Smith
Carter	Hawkins	Metcalf	Taylor
Clark	Hornsby	Montgomery	Tyson
Cooper	Horton	Nichols	Wilson
Dumas			—28

FURTHER CONSIDERATION OF H. B. 93

The Senate proceeded to further consideration of the Bill, H. B. 93, as amended by the substitute.

Mr. Tyson then offered the following amendment to the Bill, as amended, to-wit:

AMENDMENT TO H. B. 93 AS AMENDED

In Section 2, add at the end thereof the following:

The compensation of the Director of the Legislative Reference Service shall be an annual salary of \$14,000.

Which was adopted.

Yeas 29; Nays 2.

Yeas:

Messrs.	Dumas	Horton	Montgomery
Adams	Eddins	James	Nichols
Allen	Evans	Lolley	Oden
Bentley	Gilchrist	Lowe	Reynolds
Brannan	Givhan	Mathews	Smith
Carter	Hammond	McCain	Tyson
Clark	Hawkins	Metcalf	Wilson
Cooper	Hornsby		

—29

Nays:

Messrs.	Robison (Pickens)	Shelton	—2
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Mr. Hornsby offered the following amendment to the Bill, H. B. 93, as amended, to-wit:

AMENDMENT TO H. B. 93 AS AMENDED

In Section 2, strike out the period at the end of the first sentence and insert “, Secretary of State, State Auditor, and State Treasurer.”

On motion of Mr. Clark, said amendment was laid on the table.

Yeas 31; Nays 2.

Yeas:

Messrs.	Eddins	Lolley	Reynolds
Adams	Evans	Lowe	Roberts
Allen	Gilchrist	Mathews	Robison (Pickens)
Bentley	Givhan	McCain	Shelton
Brannan	Hammond	Metcalf	Smith
Clark	Hawkins	Montgomery	Taylor
Cooper	Horton	Nichols	Tyson
Dumas	James	Oden	Wilson

—31

Nays:

Messrs.	Carter	Hornsby	—2
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Mr. Robison (Pickens) also offered the following amendment to the Bill, H. B. 93, as amended.

AMENDMENT TO H. B. 93 AS AMENDED

In Section 2, strike out the period at the end of the first sentence and insert the words “and Attorney General.”

On motion of Mr. Clark, said amendment was laid on the table.

Yeas 22; Nays 6.

Yeas:

Messrs.	Cooper	James	Montgomery
Adams	Dumas	Lolley	Nichols
Allen	Evans	Lowe	Shelton
Bentley	Gilchrist	Mathews	Smith
Carter	Givhan	McCain	Taylor
Clark	Hawkins	Metcalf	

—22

Nays:

Messrs.	Eddins	Reynolds	Robison (Pickens)
Brannan	Hornsby	Roberts	

—6

Mr. Robison (Pickens) moved that further consideration of the Bill, H. B. 93, as amended, be postponed until the Thirty-Second Legislative Day. On motion of Mr. Clark, the motion to postpone was laid on the table.

Yeas 27; Nays 4.

Yeas:

Messrs.	Dumas	Lolley	Oden
Adams	Evans	Lowe	Reynolds
Allen	Gilchrist	Mathews	Roberts
Bentley	Givhan	McCain	Shelton
Carter	Hammond	Metcalf	Smith
Clark	Hawkins	Montgomery	Taylor
Cooper	Hornsby	Nichols	Wilson

—27

Nays:

Messrs.	Eddins	James	Robison (Pickens)
Brannan			

—4

MOTION TO ADJOURN LOST

At 6 o'clock P. M., Mr. Robison (Pickens) moved that the Senate now adjourn until Friday, August 16, 1963, at 10 o'clock A. M.

Mr. Hawkins moved as a substitute motion that the Senate take a recess until 8:30 P. M. tonight, which motion was lost.

The question recurred on the motion of Mr. Robison (Pickens) that the Senate now adjourn until Friday, August 16, 1963, at 10 o'clock A. M. and said motion was lost.

Yeas 2; Nays 28.

Yeas:

Messrs.	Oden	Robison (Pickens)	
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—2

Nays:

Messrs.	Allen	Brannan	Clark
Adams	Bentley	Carter	Cooper

Dumas	Hawkins	Mathews	Reynolds
Eddins	Hornsby	McCain	Roberts
Evans	James	Metcalf	Shelton
Gilchrist	Lolley	Montgomery	Taylor
Givhan	Lowe	Nichols	Wilson
Hammond			

—28

FURTHER CONSIDERATION OF H. B. 93

The Senate proceeded to further consideration of the Bill, H. B. 93, as amended.

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 8.

Yeas:

Messrs.	Cooper	Lolley	Reynolds
Adams	Eddins	Lowe	Robison (Montgomery)
Allen	Evans	Mathews	Smith
Bentley	Givhan	Metcalf	Taylor
Brannan	Hammond	Montgomery	Tyson
Carter	Hawkins	Nichols	Wilson
Clark			

—24

Nays:

Messrs.	Hornsby	McCain	Robison (Pickens)
Dumas	James	Oden	Shelton
Gilchrist			

—8

PAIRED VOTE ANNOUNCED

Mr. Roberts announced that he was paired with Mr. Horton on this vote; Mr. Horton, if present would vote "Nay"; and he, Mr. Roberts, would vote "Yea".

AFFIDAVIT

STATE OF ALABAMA)
MONTGOMERY COUNTY)

Personally appeared before me, Nell W. Ruffer, a Notary Public in and for said County and State, the undersigned, Bob Gilchrist, William C. (Bill) McCain, Ernest C. (Sonny) Hornsby, and George Hawkins, known to me to be members of the Senate of the State of Alabama who, being duly sworn, depose and say:

That they are all members of the Constitution and Constitutional Revision and Amendments Committee; that on the Thirtieth Legislative Day a meeting of said committee was held without giving notice of any kind to the above said senators; that Senate Bill 385, House Bill 33 and Senate Bill 58 were given a favorable report and received their second reading before the Senate; and that the Chairman of the Committee admitted on the floor of the Senate that no notice of said

committee meeting had in any way been published or given to the above senators.

BOB GILCHRIST,
GEORGE HAWKINS,
Wm. C. McCAIN,
ERNEST C. "Sonny" HORNSBY,

Sworn to and subscribed before me this 13th day of August, 1963.

NELL W. RUFFER,
Notary Public.

POINT OF PERSONAL PRIVILEGE

The foregoing Affidavit by Messrs. Gilchrist, Hawkins, McCain and Hornsby submitted to the Senate under Point of Personal Privilege was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 43. Expressing deepest regret on the death of Mr. J. R. McDow, father of Senator James T. McDow.

Also:

S. J. R. 41. Requesting the Department of Archives and History of the State of Alabama to dedicate the next publication of the Alabama Official and Statistical Register to the memory of Mr. Jesse Earl Speight.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

At 6:22 P. M., on motion of Mr. Carter, the Senate adjourned until Friday, August 16, 1963, at 10 o'clock A. M.

THIRTY-FIRST LEGISLATIVE DAY

FRIDAY, AUGUST 16, 1963

The Senate met pursuant to adjournment, Lieutenant Governor Allen presiding.

PRAYER

The Session was opened with prayer by the Reverend Paul Settle, Assistant Minister, Trinity Presbyterian Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.	Allen	Brannan	Clark
Adams	Bentley	Carter	Cooper

Dumas	Hornsby	Metcalf	Robison (Pickens)
Eddins	Horton	Montgomery	Shelton
Evans	James	Nichols	Smith
Gilchrist	Lolley	Oden	Taylor
Givhan	Lowe	Reynolds	Tyson
Hammond	Mathews	Roberts	Wilson
Hawkins	McCain	Robison (Montgomery)	

—34

JOURNAL

On motion of Mr. Nichols, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Cooper, leave of absence was granted Mr. McDow for today.

REPORT OF COMMITTEE
ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Thirtieth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

WILLIAM C. McCAIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. McCain, the foregoing report was concurred in and the Journal of the Senate for the Thirtieth Legislative Day was approved by the Senate.

REPORT OF COMMITTEE ON
ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. J. R. 41. Requesting the Department of Archives and History to dedicate the next publication of the Alabama Official and Statistical Register to the memory of the Honorable Jesse Earl Speight.

Also:

S. J. R. 43. Extending sincere sympathy to the family of Mr. J. R. McDow, Sr., father of Senator James T. McDow.

CHARLES A. MONTGOMERY,
Chairman.

SIGNING OF SENATE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 388. To amend Sections 647 and 649 of Title 51, Code of Alabama 1940, as last amended by Act No. 948, 1961 Acts of Alabama, page 1523, relating to the excise tax on gasoline, so as to provide that one-half of one per cent of the State excise gasoline taxes collected in this State, with certain exceptions, shall be deposited to the Water Safety and Sea-food Funds, and to provide for the expenditure of such funds deposited; and to repeal all laws or parts of laws in conflict with the provisions of this Act.

Also:

H. 734. To amend Section 1 of Act No. 912, Regular Session 1961, H. 1292, approved September 8, 1961, entitled "An Act To Amend Section 348 Title 51, Code of Alabama 1940, and to repeal all laws, and parts of laws, General or Special, In Conflict Herewith," which Act and this Amendment thereto relate to the imposition of a franchise tax on foreign corporations doing business in the State based on the actual amount of its capital employed in the State, defining capital, providing for a method of determining the actual amount of its capital so employed and establishing such determination as rebuttable presumption as to the actual amount of its capital so employed, providing for exclusions and deductions from the amount of capital so determined and repealing all laws and parts of laws in conflict herewith.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 113. Relative to expressing regret upon the death of Mrs. Mary Bennett Hain.

Also:

H. J. R. 114. Relative to mourning the death of Patrick Bouvier Kennedy, infant son of President and Mrs. John F. Kennedy.

Also:

H. J. R. 115. Relative to urging the U. S. Department of Defense and the President of the United States to secure information concerning U. S. Army Captains Ben W. Stutts and C. W. Voltz who were taken prisoner by North Korean forces.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Martin, Beville, Cates, Goodwyn, Bethea (M), Brewer, Sessions, Hankins, Brown (Jefferson), Etheredge, Goldthwaite, Jones (Monroe), McCorquodale, Faulk, Grouby, Thomas, Locke, Heflin, Meeks, Turner (Crenshaw), Branyon, Nettles, Fite, Slate, Morrow, Daniel, Vacca, Gilmore, Pruitt, Meade, Sullivan, Davis, Barnett, Young, Nabors, Owens, Reynolds, Pennington, Baker (Madison), Stenbridge, Avery, Bethea (B), Callahan, Campbell (Tuscaloosa), Collins, Salter:

H. J. R. 118. WHEREAS today, August 13 is the anniversary of the birth of a native son who has been designated "Alabama's Most Useful Citizen," Mr. Thomas Wesley Martin; and

WHEREAS volumes could and have been written recounting the numerous and varied accomplishments of Alabama's foremost industrial leaders, who has been called "Greatest Living Alabamian." He has generously contributed and untiringly given of himself to every worthwhile phase of community life while being busily engaged in organizing and developing far-reaching programs which for generations to come will make this state and nation a better place in which to live. Mr. Martin has been the modest recipient of many honorary degrees, awards and tributes from innumerable state and national organizations, and has been honored by no less than three foreign countries, England, France, and Finland; and

WHEREAS the Legislature of Alabama two years ago in wishing to pay tribute to Mr. Martin on his eightieth birthday, and to inspire and encourage the people of this state by noting his keen foresight and determined courage in the face of adversity, declared that August 13th of each year be designated as "Thomas W. Martin Day"; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body wishes to thank Mr. Martin not only for his untold material contributions to this state, but also for his fine example of a pattern for life; and to salute him on this, his Day, "Happy Birthday, Mr. Tom, and all best wishes for many, many more."

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Mr. Martin.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mathews, the Rules were suspended and the Resolution, H. J. R. 118, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Bevill, Scurlock and Branyon:

H. J. R. 119. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That that part of the highway from U. S. Highway 78 (Bankhead Highway) running from Townley to the intersection of Alabama Highway 43 at Musgrove Hill, constituting approximately twenty-six miles be known as the "Ellison-Ayres Highway"; and the State Highway Department shall cause appropriate signs and markers to be erected along said highway designating its name.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Wilson, the Rules were suspended and the Resolution, H. J. R. 119, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 94. To amend Act No. 248, H. 87, Regular Session 1955 (Acts 1955, v. 1, p. 586), an act levying a state lodgings tax, so as to increase the rate of the tax and to provide further for the distribution of revenue derived therefrom.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 415. To prescribe certain rules of procedure, pleading, and practice relating to the joinder of parties and the rendition of judgment in certain courts in Marion County, Alabama.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 42. To authorize and make provision for the incorporation of Airport Authorities as public corporations for the purpose of acquiring, constructing, enlarging, equipping, improving, maintaining, developing and operating airports, heliports, airport buildings and facilities, including offices, hangars and facilities for airlines, and of constructing, acquiring, establishing, improving, extending, enlarging, reconstructing, equipping, maintaining, repairing and operating buildings, structures and facilities suitable for use as manufacturing plants, industrial plants, retail shopping areas or centers, parks, exhibits, exhibitions, or for the conduct of any lawful business, at, upon, or adjacent to any air port, heliport or aircraft landing area owned or operated by any such Authority and leasing or letting such buildings, structures or facilities; to provide that in order for any such Authority to be organized, application must be made to the governing body of one or more counties, cities or towns in Alabama, and permission for organization of such Authority must be obtained from each such governing body to which application is made; to provide for the selection of the directors and officers of each such Authority; to specify the powers of each such Authority; to endow each such Authority with eminent domain and zoning powers; to exempt each such Authority from laws, ordinances and regulations relating to zoning or relating to the advertising and award by the State and its departments of construction or purchase contracts; to provide that any county, city, town or other political subdivisions, public corporation, agency or instrumentality of this State within this State may aid and cooperate with any such Authority in the planning, undertaking, acquisition, construction and operation of airports, heliports and air navigation facilities and may lend, give, donate, sell, convey or transfer to any such Authority money property (including existing airports and airport facilities) or any right capable of transfer; to provide that no action or suit shall be brought or maintained against any such Authority or any director thereof for or on account of the negligence of the Authority or director or of its or his agents, servants or employees; to authorize the issuance by each such Authority of interest bearing revenue bonds payable solely out of the revenues of the Authority issuing such bonds; to specify provisions of such revenue bonds issued by any such Authority and to provide that such revenue bonds shall be deemed negotiable instruments; to provide that such revenue bonds issued by any such Authority may be secured by pledge of any of the revenues of the Authority issuing such bonds, whether the Authority's right to such revenues then exists or may thereafter come into existence and by mortgage on any property of any

such Authority whether then in existence or thereafter acquired; to provide that such pledge may be provided for in an indenture between the Authority issuing such bonds and a trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which the principal office of the Authority is located and in any other county in which there is located any property of the Authority, the revenues from which are so pledged; to provide that any such Authority may include in any indenture or resolution authorizing the issuance of such bonds provisions customarily contained in instruments securing evidence of indebtedness; to provide that bonds issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the State or of any county, city or town within the State; to specify the uses to which the proceeds of revenue bonds issued by any such Authority may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by any such Authority and the income therefrom and the property and income of any said Authority; to authorize the investment of any idle funds of any county, city or town within this State in bonds issued by any such Authority; to provide that bonds issued by any such Authority shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by any Authority and specifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 358. To make an appropriation to the State Superintendent of Education for the purpose of contracting with Tuskegee Institute for undergraduate and graduate instruction of Alabama residents in engineering, veterinary medicine, nursing, home economics and agriculture.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Baker (DeKalb):

H. 605. To propose an amendment to the Constitution of Alabama as amended in relation to the levying of special county taxes for public hospital purposes.

Also:

By Messrs. Nabors, Burns and Owens:

H. 537. To provide for an additional judge of the Sixteenth Judicial Circuit of Alabama.

Also:

By Mr. Hankins:

H. 618. To amend further Code of Alabama 1940, Title 7, Section 718, which relates to the rates to be charged for publication of legal notices.

Also:

By Mr. Hankins:

H. 619. To amend Section 2 of Act No. 793, S. 117, Regular Session 1953, an act establishing the maximum rate which newspapers may charge for the publication of legal notices.

Also:

By Mr. Glass:

H. 711. Relating to counties; authorizing the payment from county funds of premiums for bonds required of notaries public who are county employees.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 605 — to the Committee on Constitution and Constitutional Revision and Amendments

H. B. 537 — to the Committee on Finance and Taxation

H. B.'s 618 and 619 — to the Committee on Printing

H. B. 711 — to the Committee on Counties and County Boundaries

(The above-numbered Bill, H. B. 605, was read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Meade:

H. 478. To authorize and provide for clerical assistants to the County Solicitor of Cherokee County; to provide for the election,

employment and discharge of such assistants; to fix their compensation, and provide for the payment thereof out of county funds.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF CHEROKEE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize and provide for clerical assistants to the County Solicitor of Cherokee County; to provide for the selection, employment and discharge of such assistants; to fix their compensation, and provide for the payment thereof out of county funds.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue or other like governing body of Cherokee County is required, authorized and empowered to provide sufficient clerks and assistants to the County Solicitor of Cherokee County, but the County Solicitor shall select the said clerks and other assistants and shall fix their compensation. However, the combined salary or compensation of said clerks and assistants selected by the County Solicitor shall not exceed one thousand two hundred (\$1,200.00) dollars, per annum. The County Solicitor shall have the right to discharge the said clerks and assistants at will. The salary or compensation of the clerks and assistants shall be paid in equal monthly installments out of the general fund of Cherokee County upon separate warrants drawn in the same manner as other employees of Cherokee County are paid.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CHEROKEE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Joe Shaw, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Cherokee County Herald, a newspaper of general circulation published in Cherokee County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said

notice having appeared in the issues of said paper on May 15, May 22, May 29, and June 5, all in the year 1963.

JOE SHAW, JR.,

Sworn to and subscribed before me June 10, 1963.

FAYRENE D. CHAMBLESS,
Title Notary Public.

Also:

By Mr. Meade:

H. 998. To repeal Act No. 272, H. 380, Regular Session 1961 (Acts 1961, p. 299), an act authorizing county governing bodies to provide for the payment of expenses of certain county officers in counties having populations of not less than 16,150 and not more than 17,250.

Also:

By Mr. Casey:

H. 1003. Relating to Cleburne County, providing an exemption from municipal license or excise taxes levied on gasoline when purchased by the county board of education for use in county school buses.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF CLEBURNE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Cleburne County, providing an exemption from municipal license or excise taxes levied on gasoline when purchased by the county board of education for use in county school buses.

Be It Enacted by the Legislature of Alabama:

Section 1. The county board of education of Cleburne County shall exempt from payment of any license or excise tax levied or imposed by any municipality within the County on gasoline or other like motor fuel when the fuel is bought for use in the operation of county school system. In reporting and paying the tax to the city or town, every person liable for tax may deduct the tax on the number of gallons of gasoline sold to the board of education of Cleburne County, the provisions of any other law or ordinance of the city or town contrary notwithstanding but the city or town may require proof of the sale of exempt gasoline to the county board of education in such way as it may by ordinance prescribe.

Section 2. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall take effect on the first day of the month next following the date of its enactment.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CLEBURNE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack R. Wood, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor & Publisher of the Cleburne News, a newspaper of general circulation published in Cleburne County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 20, June 27, July 4, and July 11, all in the year 1963.

JACK R. WOOD,

Sworn to and subscribed before me July 23, 1963.

MARY B. BIRCHFIELD,
Title Notary Public,

Also:

By Messrs. Boston and Hannah:

H. 1019. To provide further for the supplemental compensation of circuit judges in every circuit composed of only one county having two circuit judges and a population of not less than 60,500 nor more than 65,000 inhabitants according to the last or any subsequent federal decennial census; providing that the supplemental compensation herein provided shall be in lieu of any and all other salary supplements heretofore authorized.

Also:

By Messrs. Boston and Hannah:

H. 1020. To provide further for the supplemental compensation of circuit judges in every circuit composed of only one county having two circuit judges and a population of not less than 60,500 nor more than 65,000 inhabitants according to the last or any subsequent federal decennial census; providing that the supplemental compensation herein provided shall be in lieu of any and all other salary supplements heretofore authorized.

Also:

By Mr. Cates:

H. 1053. Relating to counties having populations of not less than 32,000 nor more than 33,000; providing for the appointment of additional deputies sheriff whose compensation shall be paid by the county.

Also:

By Mr. Drake:

H. 1061. Relating to Cullman County; increasing the compensation of certain deputies of the sheriff.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Cullman County; increasing the compensation of certain deputies of the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. In Cullman County, deputies sheriff other than the chief deputy, whose salaries are paid from the county treasury, shall each be entitled to an increase in pay of ten dollars per month as of the date this Act becomes effective; such increase to be in addition to all compensation otherwise authorized by law,

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall take effect on the first day of the month next following the date of its enactment.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CULLMAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Robert Bryan, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Cullman Times, a newspaper of general circulation published in Cullman County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 3, July 10, July 17, and July 24, all in the year 1963.

ROBERT BRYAN,

Sworn to and subscribed before me July 25, 1963.

COLLEEN BUCHANAN,
Title Notary Public.

My Commission Expires Nov. 7, 1964.

Also:

By Mr. Drake:

H. 1062. Relating to Cullman County; to regulate further the compensation of the members and clerk of the jury commission.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Cullman County; to regulate further the compensation of the members and clerk of the jury commission.

Be It Enacted by the Legislature of Alabama:

Section 1. In Cullman County, each member of the jury commission shall be paid the sum of twelve dollars per day for the time actually engaged in the discharge of his duties as such member, to be paid out of the county treasury upon the warrant of the probate judge of the county upon evidence satisfactory to him that such service has been rendered.

Section 2. The clerk of the jury commission of Cullman County shall be paid for his services rendered under the direction of the jury commission the sum of twelve dollars per day while actually engaged in performing his duties, to be paid out of the county treasury upon the order of the president of the jury commission.

Section 3. The provisions of this act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CULLMAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Robert Bryan, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Cullman Times, a newspaper of general circulation published in Cullman County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 2, July 9, July 16, and July 23, all in the year 1963.

ROBERT BRYAN,

Sworn to and subscribed before me July 25, 1963.

COLLEEN BUCHANAN,

Title Notary Public.

My Commission Expires Nov. 7, 1964.

Also:

By Messrs. Baker (Madison) and Reynolds:

H. 1088. To propose an amendment to the Constitution relating to levying a special school tax in the School District of the City of Huntsville in Madison County.

Also:

By Messrs. Scurlock and Bevill:

H. 1103. Relating to all counties having populations of not less than 51,000 nor more than 56,000 according to the most recent federal decennial census, authorizing the county board of education to permit the use of school buses for certain related purposes.

Also:

By Messrs. Morrow, Perry, Bowers, Rast, Collins, Bailes, Bethea (M), Dominick, Meeks, Brown (Jefferson), Vacca, Gilmore, Sessions and Etheredge:

H. 1076. To amend the Title and Section 1 of Act No. 663, S. 132, approved September 6, 1961 (Acts of 1961, p. 827) entitled "An Act to provide for and regulate general and special elections in the cities and towns of this State, except those cities and towns which have a commission form of government; designating the date for regular elections, and authorizing the municipal governing body to call special elections; prescribing the manner of giving notice of municipal elections, and of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contests thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such elections."

Also:

By Messrs. Nettles and Pierce:

H. 532. Relating to a continuing program for the employment of the handicapped; creating certain committees, providing for their organization, membership, powers, duties, and functions; providing for personnel, office space, equipment, and other expenses; creating a revolving fund, and making appropriations for purposes of promoting such program.

Also:

By Mr. Powell:

H. 613. To appropriate out of any funds in the state treasury to the credit of the General Fund, not otherwise appropriated, the sum of Ten Thousand Dollars (\$10,000) to the Department of Conservation, Division of State Parks, Monuments and Historical Sites, to be used only for the purchase of lands for the development and restoration of the Fort Toulouse Site in Elmore County, Alabama, and to pay the costs of litigation relating thereto, and to provide for the lease, sale, swap, exchange, transfer or other disposition of such lands to the United States Government without consideration.

Also:

By Mr. Hankins:

H. 1018. To fix the salary of the county superintendent of educa-

tion in all counties having populations of not less than 13,700 nor more than 14,300, according to the most recent federal decennial census.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read on time and referred to appropriate Standing Committees, as follows:

H. B.'s 478, 998, 1003, 1019, 1020, 1053, 1061, 1062, 1088, 1103 and 1018 — to the Committee on Local Legislation

H. B. 1076 — to the Committee on Municipalities and Municipal Organizations

H. B. 532 — to the Committee on Immigration, Industrial Resources and Labor

H. B. 613 — to the Committee on Finance and Taxation

(The above-numbered Bill, H. B. 1088, was read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Bevill:

H. 950. To provide for the appointment of counsel for indigent defendants at the expense of the State in certain noncapital criminal cases and in certain other cases involving the life and liberty of those charged or convicted of crimes, on trial and on appeal; to make an appropriation from the General Fund for carrying out the purposes of this Act and to make expenditures therefrom subject to the approval of the Governor and the condition of the General Fund.

Also:

By Mr. Bevill:

H. 951. To provide for the furnishing to indigent convicted defendants in criminal cases and in certain other related proceedings involving life, liberty or property of those convicted of crime of a record and transcript of evidence for appeal at the expense of the State; to state the purposes of this act; to define the cases to which this act is applicable; to prescribe the manner and time for indigents to apply for transcripts on appeal; to prescribe the manner of proceeding and disposition by the trial court of petition for such transcripts on appeal; to provide for conditions under which an abridged record may be ordered; to provide for the trial court to order all or a part of the cost of the transcript on appeal, including court reporters' fees and clerks' fees to be paid out of the general fund of the State treasury, and to require the appellant to pay part of the cost if he is able; to make special provisions

for appeals now pending, or where the time for appeal has not expired; to provide for a review of a denial of a petition by the trial court; to provide for a judgment to be entered against an unsuccessful appellant to pay the fees of the clerk and court reporter paid by the State, and that such fees shall be paid into the general fund of the State; to provide further for an additional sentence for hard labor for the county or imprisonment in the penitentiary at a certain rate if said payment is not made; to authorize the Supreme Court with the advice and consultation of the Court of Appeals to make rules to accomplish the purposes of this act, and to also authorize circuit courts and other courts having jurisdiction hereunder; to appropriate annually out of the general fund of the State treasury an amount to pay said court reporters and clerks and to carry out the provisions of this act, said appropriation being subject before disbursement to the approval of the Governor and contingent upon the opinion of the Governor of the condition of the State treasury; to repeal Act No. 62, Acts of Alabama 1961, page 1930, approved September 15, 1961, entitled, "An Act to provide for the furnishing of transcripts of evidence for appeals in criminal cases where defendant, appellant is indigent; . . .", etc., with certain exceptions; and to provide for the effective date of this act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 950 and 951 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

Also:

By Messrs. Merrill, Nabors, Burnham and Cornett:

H. 259. To amend Title 51, Section 199 of the 1940 Code of Alabama.

Also:

By Mr. Powell:

H. 1011. To amend Code of Alabama 1940, Title 36, Section 74, in relation to the fee payable for obtaining a duplicate driver's license.

Also:

By Mr. Drake:

H. 434. To amend Code of Alabama 1940, Title 17, Sections 21 and 23, relating to the appointment of county boards of registrars.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 259 and 434 — to the Committee on Judiciary

H. B. 1011 — to the Committee on Public Roads and Highways

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Goodwyn, Stembridge, Harper, Meade, Owens, Brewer, Baker (Madison), Snell, Burns, Moore, Nabors, Burnham, Camp, Downing, Turner (Crenshaw), Sessions, Pierce, Grouby and Drake:

H. 634. To provide for the uniform disposition of unclaimed and abandoned tangible and intangible personal property including a definition of terms, property held by banking or financial institutions, unclaimed funds held by insurance companies, deposits and refunds held by utilities, undistributed dividends and distributions of business associations, property of business associations and banking or financial organizations held in course of dissolution, property held by fiduciaries, property held by Federal Courts and Federal officers and agencies, miscellaneous personal property held for another person; to provide for reciprocity for property presumed abandoned or escheated under the laws of another state; to provide for the report of abandoned property; to provide for the notice and publication of lists of abandoned property; to provide for the payment or delivery of abandoned property to the Commissioner of Revenue; to provide for the relief from liability to the holder by payment or delivery to the Commissioner of Revenue; to provide that no income shall accrue after payment or delivery to the Commissioner of Revenue; to provide that periods of limitation shall not be a bar to recovery by the Commissioner of Revenue or the duty to file reports; to provide for the sale of abandoned property; to provide for the deposit and disposition of funds; to provide for the claim for abandoned property paid or delivered; to provide for the determination of claims by the Commissioner of Revenue; to provide for judicial action or review; to provide for election by the Commissioner of Revenue to take payment or delivery in certain cases; to provide for the examination of records; to provide for judicial proceedings to compel payment or delivery; to prescribe penalties; to provide for the administration and enforcement of the Act by the Commissioner of Revenue and the State Department of Revenue; to provide for the effect of laws of other states; to provide for the severability of this Act; to provide for the uniformity of interpretation of this Act; to provide for a short title of this Act; to repeal conflicting laws; and to provide an effective date for this Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 634 — to the Committee on Banking

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Brown (Tuscaloosa):

H. 598. To amend Code of Alabama 1940, Title 51, Section 565, which relates to the license payable by osteopaths and chiropractors.

Also:

By Messrs. Dominick, Edington, Sullivan, Collins, Casey, Nabors, Albea, Downing, Davis, Jones (Covington), Edwards (Escambia), Owens, Carr, Moore, Bethea (M), Vacca, Bowers, Bailes, Hester, Posey, Burnham, Bethea (B), Gilmore, McCorquodale, Meeks, Burns, Fields, Sessions, Engel, McDermott, Baker (Madison), Etheredge, Brown (Tuscaloosa), Rogers and Perry:

H. 46. Relating to motor vehicle safety; prohibiting the sale, offering for sale, or operation of certain motor vehicles that are not equipped with safety belts of a kind and installed in such manner as the director of public safety may approve; prescribing penalties for violations.

Also:

By Messrs. Pennington, Baker (Madison) and Reynolds:

H. 1027. Relating to counties having populations of not less than 115,000 nor more than 165,000; authorizing the court of county commissioners, board of revenue or like governing body of the county to create a special revolving fund.

Also:

By Mr. Hester:

H. 701. To authorize the Commissioner of Agriculture and Industries to enter into contract by bond or insurance policy for the protection of employees of the Department of Agriculture and Industries against certain hazards where such employees are engaged in work involving inspection and grading of agricultural products at shipping points, terminal markets and receiving centers.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 598 — to the Committee on Finance and Taxation

H. B. 46 — to the Committee on Public Buildings and Grounds

H. B. 1027 — to the Committee on Local Legislation

H. B. 701 — to the Committee on Insurance

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Pennington, Reynolds and Baker (Madison):

H. 917. To amend the Title and Sections 1 and 2 of Act No. 648, adopted at the Regular Session of the Legislature of Alabama (1949 Acts, p. 991 et seq), as heretofore amended, so as to include research projects.

Also:

By Messrs. Pennington, Reynolds and Baker (Madison):

H. 918. To amend the title to and Sections 1 and 2 of Act No. 756, adopted at the 1951 Regular Session of the Legislature of Alabama so as to include the acquisition, enlargement, improvement and expansion of research projects.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 917 and 918 — to the Committee on Municipalities and Municipal Organizations

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Hester and Fite:

H. 483. To amend Act No. 672, H. 479, Regular Session 1961, an act revising the privilege license schedule relating to the registration of trucks, truck-tractors, trailers, and semi-trailers operated for-hire.

Also:

By Messrs. Salter, McCorquodale, Faulk, Stembridge, Hain, Davis, Cook, Nettles, Wood, Edwards (Lowndes), Downing, Young, Crawford, Edwards (Escambia), Glass, Bassett, Jones (Covington), Drake, Smith, Jones (Monroe), Blanton, Moore, Callahan, Brown (Tuscaloosa), Bethea (M), Fite, Hankins, Scurlock, Beville, Cates, Avery, Owens, Mashburn and Engel:

H. 472. To provide further for the employment of a full-time County Engineer; to provide for the compensation of such office;

to prescribe qualifications of such office; to prescribe his duties and authority; to provide for the State Highway Department to supplement the salary of the office; to provide for the retirement of the County Engineer to the extent of the State's participation in the salary.

Also:

By Messrs. Salter, McCorquodale, Faulk, Stembridge, Hain, Davis, Cook, Nettles, Wood, Edwards (Lowndes), Downing, Young, Crawford, Edwards (Escambia), Glass, Bassett, Jones (Covington), Drake, Smith, Jones (Monroe), Blanton, Moore, Callahan, Brown (Tuscaloosa), Bethea (M), Fite, Hankins, Scurlock, Beville, Cates, Avery, Owens, Mashburn and Engel:

H. 473. To amend further Section 3 of Act 515, Regular Session 1945, an act providing a retirement system for state employees, so as to provide for the inclusion of county engineers in the membership of the Employees' Retirement System of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 483 — to the Committee on Finance and Taxation

H. B. 472 — to the Committee on Counties and County Boundaries

H. B. 473 — to the Committee on Insurance

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Tyson, Brannan and Evans:

S. 444. To abolish the Alabama state docks department established by an act approved June 30, 1955, and create in lieu thereof the Alabama Docks and Port Authority to have and exercise supervision and control of the state docks and wharves, warehouses, elevators, and other facilities connected therewith, owned or operated by the State of Alabama, whether located at the Port of Mobile or on inland waterways; providing for the appointment and selection of members of the Alabama Docks and Port Authority and for its officers, employees, and agents; repealing conflicting laws, including Act No. 103, H. 230, Regular Session 1955 (Acts 1955, p. 345) and Act No. 604, H. 516, Regular Session 1957 (Acts 1957, p. 863).

Committee on Seaports.

By Mr. Tyson:

S. 445. Providing further for the reduction of the corporate limits of cities having populations of not less than 200,000 nor more than 300,000, according to the 1960 or any subsequent federal decennial census.

Committee on Local Legislation.

By Messrs. Hornsby and Mathews:

S. 446. Relating to county boundaries; to rearrange the boundaries between Coosa and Tallapoosa Counties.

Committee on Local Legislation.

By Mr. Tyson:

S. 447. Proposing an amendment to the Constitution relating to the assessment and collection of operating deficits by the Mobile County Public Hospital Board, and repealing conflicting provisions.

Committee on Seaports.

The above bill was read a first time at length as required by the Constitution.

By Mr. Tyson:

S. 448. To amend Code of Alabama 1940, Title 17, Sections 102 (as amended), 112 and 113, so as to provide for inspection of the machine at the opening of the polls, canvassing the votes and records thereof where a voting machine equipped with a device or devices for printing or photographing the election results on that machine is used.

Committee on Privileges and Elections.

By Mr. McCain:

S. 449. To provide for and require reidentification of the registered voters of counties having a population of not less than 100,000 or more than 115,000 according to the latest or any subsequent federal census and imposing duties upon the board of registrars and other county officers and upon the electors whose names appeared on the list of qualified voters in such counties.

Committee on Local Legislation.

By Messrs. McCain, Brannan, Horton, Evans, Roberts and Metcalf:

S. 450. To amend Section 186, Subsection E (12) of Title 26 of the Code of Alabama of 1940 as last amended so as to exempt from the operation of said Code Section the proprietors or operators of barber shops and their employees.

Committee on Judiciary.

By Mr. Roberts:

S. 451. Relating to public schools of Madison County; creating an educational survey committee to study, evaluate and make recommendations for improvements in the public school systems of the county; and making appropriations.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given in accordance with Section 106 of the constitution of Alabama 1901, that application will be made at the current session of the legislature of Alabama for enactment of a local law affecting Madison County and the City of Huntsville, in substance as follows:

An act to create, provide for and establish an educational survey committee to study, evaluate and make recommendations for improvements in the public school systems of the county; to define, prescribe and fix the duties, powers and authority of the committee; to provide for appointment of an executive secretary of the committee and to provide for the employment or engagement of experts and professional assistance as necessary; to provide for appropriation of funds by the county and the city of Huntsville to aid in effectuating the purposes of the act; to provide for committee reports; and to fix the time within which the committee shall make a final report.

STATE OF ALABAMA
COUNTY OF MADISON

Before me, Opal H. Dilworth, a Notary Public in and for said State and County, personally appeared W. C. Lewis, known to me, who being by me first duly sworn, deposes and says he is Secretary-Treasurer of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on July 19, 26, August 2 and 9, 1963.

W. C. LEWIS,
Secretary-Treasurer.

Sworn to and subscribed before me this the 9 day of August, 1963.

OPAL H. DILWORTH,
Notary Public.
My commission expires April 10, 1967.

By Mr. Hammond:

S. 452. Relating to Cherokee County; fixing the compensation of certain county officers and amending Act No. 162, S. 210, Regular Session 1943 (Local Acts 1943, p. 78).

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF CHEROKEE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Cherokee County; fixing the compensation of certain county officers and amending Act No. 162, S. 210, Regular Session 1943 (Local Acts 1943, p. 78).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 162, S. 210, Regular Session 1943 (Local Acts 1943, p. 78) is amended to read as follows:

"Section 1. That commencing at the beginning of their next term of office the salary of the following named officers of Cherokee County Alabama, shall be as follows per annum net:

"Judge of Probate \$7200.00 "Clerk of the Circuit Court \$4800.00.
"Tax Collector - \$4800.00; "Tax Assessor - \$4800.00; "Sheriff - \$6000.00;
"Register in Chancery - \$3000.00.

"The said annual salary or compensation of each of said officers shall be paid out of the county treasury in equal monthly installments at the end of each month upon warrants drawn in the same manner as employees of Cherokee County are paid. It is further provided that the tax assessor and the tax collector shall not be required to make the rounds required to be made in Title 51, Section 38, Code of Alabama 1940."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective subject to the provisions in Section 1 after its enactment.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CHEROKEE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Joe Shaw, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Cherokee County Herald, a newspaper of general circulation published in Cherokee County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 17, July 24, July 31, and August 7, all in the year 1963.

JOE SHAW, JR.,

Sworn to and subscribed before me August 8, 1963.

FAYRENE D. CHAMBLESS,
Title Notary Public.

By Mr. Hammond:

S. 453. Relating to Cherokee County, Alabama; To abolish the Cherokee Law and Equity Court and to create and establish in lieu thereof a court of record to be known as the "Cherokee County Court"; to define the court's jurisdiction, powers and venue; to provide for its officers, their appointment and election, their powers, duties, tenure and compensation; to provide for the transfer of all cases from the dockets of the Cherokee Law and Equity Court to the Cherokee County Court; to provide for the transfer of certain cases pending in the Cherokee County Court to the law or equity side of the Circuit Court; to invest said court with the powers and jurisdiction heretofore exercised by the Cherokee Law and Equity Court; to prescribe rules of

procedure for said court; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide for the execution of the process of said court and the operation thereof; and to repeal all conflicting laws.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF CHEROKEE

NOTICE is hereby given that a bill substantially as follows will be introduced in the 1963 regular session of the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

AN ACT

Relating to Cherokee County, Alabama: To abolish the Cherokee Law and Equity Court and to create and establish in lieu thereof a court of record to be known as the "Cherokee County Court"; to define the court's jurisdiction powers and venue; to provide for its officers, their appointment and election, their powers, duties, tenure and compensation; to provide for the transfer of all cases from the dockets of the Cherokee Law and Equity Court to the Cherokee County Court; to provide for the transfer of certain cases pending in the Cherokee County Court to the law or equity side of the Circuit Court to invest said court with the powers and jurisdiction heretofore exercised by the Cherokee Law and Equity Court; to prescribe rules of procedure for said court; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide for the execution of the process of said court and the operation thereof; and to repeal all conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. That there be and is hereby established in and for Cherokee County, Alabama, a court of law which shall be called the "Cherokee County Court," which shall be a court of record, and which shall have and exercise the jurisdiction, authority, function and powers hereinafter conferred upon it by this Act.

Section 2. That the first judge of the court created hereby shall be the person holding office as the Judge of the "Cherokee Law and Equity Court" when the same is abolished by this act, and shall hold office as Judge of said court until the first Monday after the second Tuesday in January, 1965, and until his successor shall be elected and qualified. A judge of said court shall be elected by the qualified electors of Cherokee County, Alabama, at the general election to be held in 1964, and each six years thereafter, and the term of the Judge of said court shall commence on the first Monday after the second Tuesday in January following his election, and shall continue for a period of six years and until his successor shall be elected and qualified. The judge of said court before entering upon the duties of said office, shall take oath required by law to be taken by the judges of the Circuit Courts of Alabama. The said judge shall be a qualified elector of Cherokee County Alabama; and shall be learned in the law, and shall be licensed as an attorney at law and solicitor in chancery by the Supreme Court of Alabama, and shall be not less than twenty-five years of age. In case of sickness or disqualification of the judge of said court, the law applicable

to the appointment and service of special judges in the Circuit Courts shall apply. The judge of said court shall be subject to the same penalties for failure to attend upon the court as are Circuit Judges of this State. The judge of said court shall keep an office in the courthouse of Cherokee County, Alabama, and it shall be the duty of the Board of Revenue of Cherokee County, Alabama, to provide such office, and supply the same with necessary furnishings, fixtures, stationary, and supplies.

Section 3. Vacancies in the office of the judge or said court shall be filled by appointment by the Governor, and the person so appointed shall hold office as required by the Constitution of this State. Said judge may be removed from office in the manner, and for the causes, now provided by law for the removal of Circuit Judges.

Section 4. That said court shall be held at the courthouse of Cherokee County, Alabama, and that said court shall be open at all times for the trial of cases and transaction of business. The judge of said court may determine and fix the time of holding the sessions of said court for the trial of all cases, both civil and criminal; provided however, that all civil and criminal cases in which no jury is demanded shall be called for trial at least once in each month, and for the trial of civil and criminal cases wherein juries have been demanded there shall be two sessions of court each year, and time of said sessions to be fixed by the court by order entered upon the minutes of the court. Provided, however, that this section shall not be construed to prevent the continuance of any case in said court, by agreement of counsel of the parties on good cause shown to the court and when any cause is so continued to a specified time either for a cause shown to the court or by agreement of the parties of counsel, it shall not be necessary to call said case until the expiration of the time to which it has been continued, and provided further than the court shall have the right and power to call extraordinary sessions of said court whenever, in the judgment of the court, the same are necessary.

Section 5. That the said Court shall adopt a seal which shall be in the custody of the clerk of said court.

Section 6. That the deputy solicitor appointed or elected for Cherokee County Circuit Court shall represent the state in all criminal cases in said court, as ex-officio solicitor of the Cherokee County Court.

Section 7. The clerk of the Circuit Court of Cherokee County, Alabama, shall be ex-officio clerk of the Cherokee County Court hereby established, and he shall keep a civil and criminal docket of all cases brought before the court, and of the minutes and records as are now required by law to be kept by clerks of the Circuit Courts and he shall have authority to issue all necessary summons and complaints as to all cases filed in the court, and all other civil and criminal process which clerks of the Circuit Courts are now required or empowered by law to issue, and shall have the same powers to issue warrants of arrest and search warrants as a magistrate, returnable to the court created hereby. He shall have authority to swear witness at the trial of all cases in this court. It shall be the duty of the clerk to tax and collect in each civil and criminal case in the Cherokee County Court the same costs, fee, commissions, and compensations for services of the solicitor, the clerk the sheriff, and the witnesses which are now allowed, or which may hereafter be allowed, by law to be taxed charged, and collected in the Circuit Courts of this State; except that in civil matters where suit is brought for \$100.00 or less, only fees allowed Justices of the Peace, Constables and witnesses in the Justice Court shall be collected, and he shall disburse the same fees, commissions and compensations as are

now, or may hereafter be allowed, or required in Circuit Courts of Alabama, except as may be herein otherwise provided, and except as may be otherwise provided by local laws in regard to payment of fees, commissions and compensation which are now applicable to Cherokee County, Alabama. It shall also be his duty to collect, or receive from the sheriff, all fines and forfeitures in the court, which he shall pay into the Fine and Forfeiture Fund of Cherokee County. He shall also have all other powers and discharge all other duties which shall devolve upon the clerks of the Circuit Courts of Alabama, and shall be subject to the same pains and penalties with regard to the duties of the office as by law provided in the Circuit Courts of Alabama. The deputy clerk of the Circuit Court of Cherokee County, Alabama, shall be ex-officio deputy clerk of the Cherokee County Court, and shall exercise the same powers and perform the same duties as are exercised and performed in the Circuit Courts of Alabama.

Section 8. That the clerk, with the approval of the judge of said court is hereby authorized to purchase all necessary furnishings, records, stationary and supplies for the equipment and maintenance of said court and the same shall be paid out of the county Treasury upon warrants drawn by the judge and signed by the clerk.

Section 9. The Sheriff of Cherokee County shall, in person or by a deputy, or deputies appointed by him, said appointment to be approved by the judge of said court, be required to attend upon said court in preserving order, and execute all writs of process, and perform such other duties, in all respects as in the Circuit Court of this State, and for himself and each deputy required for attendance upon said session of said court, he shall receive the same amount received by sheriffs and deputies in the Circuit Courts of the State of Alabama, payable out of the county Treasury upon his warrant except, however, as limited by existing local laws in regard to compensation for the Sheriff of Cherokee County, Alabama, and his regular deputies, approved by the presiding judge, provided that the sheriff and his deputies shall not receive pay except for the time that the court is actually in session and none of such compensation to the deputies shall be shared in by the sheriff; and for the service by the sheriff of the process of said court, the sheriff shall receive the same fees and compensations for serving the process of the court as he receives under the laws of the State of Alabama or any laws enacted in the future by the Legislature of Alabama for the compensation of the Sheriff for similar services in the Circuit Court.

Section 10. That the judge of said court shall appoint a competent person, who shall not be required to reside in Cherokee County, Alabama, capable of taking the proceedings of said court in shorthand, or by mechanical device or devices, as the official court reporter for said court, and shall make an order of appointment of such official reporter, and when so appointed may be removed by the judge of said court at his discretion, and his duties shall be the same as are now provided by law for the reporter of the Circuit Courts of the State and he shall receive the same rate of compensation for transcribing the testimony or other proceedings as are now provided for said Circuit Court Reporter, and shall receive as a salary the sum of Nine Hundred Dollars per annum. The said annual salary of said official Court Reporter shall be paid out of the County Treasury of Cherokee County, Alabama, in equal monthly installments at the end of each month upon warrants drawn in the same manner as other employees of Cherokee County are paid.

Section 11. That in all cases reported by an official Court Reporter, there shall be taxed as a part of the costs of the case a fee of

Five Dollars for each day or fraction thereof that such reporter shall be engaged in reporting a case, to be collected as costs as in other cases, and when collected, paid by the Clerk of the Court into the County Treasury of Cherokee County, Alabama; provided, however, that in criminal cases where the defendant enters a plea of guilty, in cases where a money judgment is sought, in cases of less than one hundred dollars as determined by the complaint, and in cases where there is a judgment by default, there shall be no Court Reporter's fee.

Section 12. The Cherokee County Court shall have and exercise the following jurisdiction, authority and powers:

(a) Exclusive jurisdiction of all causes against persons charged with the commission of a misdemeanor. On all indictments returned by Grand Juries of Cherokee County, Alabama, against persons charged with a misdemeanor, the clerk of this court shall issue capias returnable to this court.

(b) Exclusive jurisdiction of all criminal cases appealed from the Court of any Mayor, Recorder, Justice of the Peace or Notary Public ex officio Justice of the Peace.

(c) Exclusive jurisdiction of all civil cases appealed from the Court of any justice of the Peace or Notary Public ex officio Justice of the Peace.

(d) Unlimited jurisdiction concurrent with the Circuit Court of Cherokee County, Alabama, in all civil cases, where the amount involved does not exceed ten thousand dollars.

(e) It shall have power to issue any and all special and extraordinary writs that circuit courts or judges thereof are authorized to issue, except such as are peculiar to a court of chancery.

(f) It may exercise all other powers and authority that are, or that may hereafter be conferred upon the Circuit Courts or the Judges thereof, including the power to punish for contempt, consistent with the jurisdiction conferred hereby.

(g) Unlimited concurrent jurisdiction of all causes that are conferred upon Justice of the Peace Courts of the State under the general laws of the State of Alabama.

Section 13. (a) All laws and rules of practice with reference to process pleading and practice, and drawing of juries in the several proceedings in the Circuit Court shall be applicable to this court, and all statutes and rules of practice pertaining to county courts and to the circuit court shall be applicable to criminal causes pending in this court. All cases tried in Cherokee County Court shall be tried by the judges without a jury, the judge to decide all questions of law and fact, unless any party to a civil action involving Fifty Dollars (\$50.00) or more may demand a trial by jury by endorsement on the initial general pleading filed therein, and unless a party charged with a criminal offense makes a demand for a trial by jury by endorsing the same on the bond at the time of making the same, or filing such demand with the Clerk of the Court with fifteen (15) days after the arrest of the defendant. On such jury demand being made in either a criminal or civil action, the Clerk shall place such cause on the jury dockets of said court. All civil cases involving less than Fifty Dollars (\$50.00) shall be tried by the court without a jury.

(b) That civil cause may be transferred from the Cherokee County Court to the Circuit Court in Equity for the same reason and in the

same manner and under the same rules and regulations as is now provided for the transfer of causes from the law side of the Circuit Court to the Equity side of said Court.

(c) The Venue in any case in the said Cherokee County Court shall be changed to any other county under the same orders and regulations as governed by change of venue in the Circuit Court.

(d) Prosecutions for misdemeanors committed in Cherokee County may be instituted in Cherokee County Court by making an affidavit before the Judge, Clerk or the Solicitor of said Court, the writ on said affidavit to be issued by the Clerk, Solicitor or Judge of said Court, and when the defendant is arrested on said affidavit, the cause shall be docketed for trial and be tried as though the defendant had been indicted by a Grand Jury.

(e) That the Supreme Court and the Court of Appeals of this State shall have appellate and supervisory jurisdiction over said court and the judges thereof, which may be exercised in the manner as such jurisdiction may be exercised over the Circuit Courts of the State and the judges thereof, and appeals may be taken from the orders and judgments of said court to the Supreme Courts and Court of Appeals in the same manner, and within the same time as appeals are now taken from the orders and judgments of the Circuit Courts of the State.

(f) Bills of exception in the trial of cases in this Court are hereby abolished in the same manner, and under the same conditions as are contemplated as attaining in the Circuit Courts of this State under the provisions of Title 7, Section 827 (1) et seq of the Code of Alabama of 1940, as recompiled in 1958.

Section 14. The judge of this court shall receive a salary of Six Thousand Dollars per annum, payable in equal monthly installments at the end of each month out of the county treasury.

Section 15. That the Act creating the Cherokee Law and Equity Court of Cherokee County, Alabama as amended, is hereby repealed and the Cherokee Law and Equity Court is hereby abolished; and from and after the passage of this Act, the Cherokee Law and Equity Court shall no longer exist; and all cases both civil and criminal pending in said Cherokee Law and Equity Court, when this act becomes law shall immediately become pending upon the dockets of the Cherokee County Court as though originally brought in said court except cases wherein a will contest is pending which said cases shall be transferred to the Circuit Court to be tried according to law. That all files, papers, costs and judgment entries pertaining to all cases now pending or heretofore filed in the Cherokee Law and Equity Court and all further proceedings thereon shall be had as if the cases had originated in the Cherokee County Court, or as if the judgments had been obtained in this Court.

Section 16. That all laws, both local and general, in conflict with this Act, are hereby repealed.

Section 17. That the provisions of this Act are hereby declared to be severable. If, for any reason, any section, provision or clause of this Act shall be held to be unconstitutional or invalid, then that fact shall not destroy the constitutionality of the Act except as to the clause or section.

Section 18. That the provisions of this Act are to take effect from and after the approval thereof.

Section 19. This act shall become effective immediately upon its

passage and approval by the Governor, or its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CHEROKEE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Joe Shaw, Jr., who being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Cherokee County Herald, a newspaper of general circulation published in Cherokee County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 17, July 24, July 31 and August 7, all in the year 1963.

JOE SHAW, JR.,

Sworn to and subscribed before me August 8, 1963.

FAYRENE D. CHAMBLESS,
Title Notary Public.

By Mr. Hammond:

S. 454. Relating to Cherokee County, fixing the compensation of the county superintendent of education, and further amending Section 2 of Act No. 215, S. 254, Regular Session 1927, (Local Acts 1927, p. 121).

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF CHEROKEE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Cherokee County, fixing the compensation of the county superintendent of education and further amending Section 2 of Act No. 215, S. 254, Regular Session 1927 (Local Acts 1927, p. 121).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 215, S. 254, Regular Session 1927 (Local Acts 1927, p. 121) is amended to read as follows:

"Section 2. The salary of said county superintendent of education of Cherokee County shall be not less than \$6,000 nor more than \$8,000 per annum, to be determined by the county board of education, such salary to be paid in the same manner as now provided under the general

laws of the state for payment of county superintendents of education in the several counties of the state."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CHEROKEE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Joe Shaw, Jr., who being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Cherokee County Herald, a newspaper of general circulation published in Cherokee County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 17, July 24, July 31 and August 7, all in the year 1963.

JOE SHAW, JR.,

Sworn to and subscribed before me August 8, 1963.

FAYRENE D. CHAMBLESS,
Title Notary Public.

By Mr. Hammond:

S. 455. Relating to Cherokee County; providing further for the compensation of the coroner of Cherokee County, amending Act No. 609, H. 1124, Regular Session 1957 (Acts 1957, p. 1500).

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA COUNTY OF CHEROKEE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Cherokee County; providing further for the compensation of the coroner of Cherokee County, amending Act No. 609, H. 1124, Regular Session 1957 (Acts, 1957, p. 1500).

Be It Enacted by the Legislature of Alabama:

Section 1 Section 1 of Act No. 609, H. 1124 (Acts 1957, p. 1500), is amended to read as follows:

'Section 1. The coroner of Cherokee County shall be entitled to an annual salary of \$600.00, which shall be payable in equal monthly installments from the general fund of the county, on warrants drawn on such fund in the manner prescribed by law.'

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CHEROKEE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Joe Shaw, Jr., who being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Cherokee County Herald, a newspaper of general circulation published in Cherokee County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 17, July 24, July 31 and August 7, all in the year 1963.

JOE SHAW, JR.,

Sworn to and subscribed before me August 8, 1963.

FAYRENE D. CHAMBLESS,
Title Notary Public.

By Mr. Clark:

S. 456. To provide for the levy of privilege, license, or excise taxes of the type levied by Act No. 100 adopted at the Second Special Session of the Legislature of Alabama, commonly known as sales taxes (including taxes on persons engaged in operating places of amusement) within the corporate limits and within the police jurisdiction of any city or town in this state, the governing body of which qualifies by adopting an appropriate resolution; to provide for the computation, enforcement and collection of the said taxes, and the distribution of the proceeds of the said taxes; and to define the responsibilities and powers of the state department of revenue with respect to the collection and enforcement of the said taxes and the distribution of the said proceeds.

Committee on Municipalities
and Municipal Organizations.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint

Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Callahan, Campbell (Tuscaloosa) and Brown (Tuscaloosa):

H. J. R. 120. WHEREAS, Matthew W. Clinton has recently retired after rendering for forty-three (43) years outstanding, faithful and conscientious service as a member of the faculty of the Tuscaloosa Senior High School at Tuscaloosa, Alabama; and

WHEREAS, the numerous students who studied under him are extremely grateful for the training and guidance which they received from such a fine teacher, whose wise counsel, high ideals, and devotion to the teaching profession have inspired all who have known him; and

WHEREAS, in addition to being widely recognized as an authority on the history of the State of Alabama and particularly that of Tuscaloosa County, the said Matthew W. Clinton, affectionately known as "Matt" to all of his former students and associates, has throughout the years been ever ready to serve and give wise counsel to those who sought his advice, and he is in every sense of the word a Christian gentleman and a good citizen of Alabama and this Nation; and

WHEREAS, the Legislature of Alabama recognizes that this highly capable teacher, quiet and modest though he may be, has been most effective in the training of good citizens and in the making of his community and our state a better place in which to live.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of Alabama, the Senate concurring, that we hereby express to Matthew W. Clinton the sincere appreciation of the people of Alabama for his unselfish dedication of himself to the teaching profession, to his students, and to the community in which he lives, and we wish to him the best of everything in the years to come.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded by the Clerk of the House of Representatives to Mr. Matthew W. Clinton, to the Principal of the Tuscaloosa Senior High School at Tuscaloosa, Alabama, and to each member of the Board of Education of the City of Tuscaloosa, Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McCain, the Rules were suspended and the Resolution, H. J. R. 120, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Dumas, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Givhan (With Substitute):

S. 393. Relating to the sale of livestock; making it a misdemeanor for any person to sell, offer for sale, buy or offer to buy livestock

on public property within five thousand (5,000) feet of a public livestock market and to provide for enforcement.

Mr. Dumas, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gilchrist (With Amendment):

S. 429. Relating to civil remedies and procedure; providing an additional and alternative method for the service of process in civil actions brought in justice of the peace courts.

Mr. Dumas, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Vacca, Gilmore and Bailes:

H. 166. To amend further Code of Alabama 1940, Title 15, Section 72, which relates to the payment of expenses of bringing back absconding felons so as to authorize payment of actual cost of airplane transportation for such purpose.

Mr. Dumas, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Perry and Rast (With Amendment):

H. 243. To amend further Code of Alabama 1940, Title 14, Section 177, in relation to the fee for issuing a license to carry a pistol.

Mr. Dumas, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Metcalf, Cooper, Allen and Hammond:

S. 205. To amend Code of Alabama 1940, Title 17, Sections 21 and 23, relating to the appointment of county boards of registrars.

By Mr. Fite:

H. 103. To amend Code of Alabama 1940, Title 7, Section 766, relative to the manner of showing appeals in suits and proceedings in circuit, county, and probate courts, giving the amendment retroactive effect.

By Messrs. Lowe, Smith, Reynolds and Metcalf:

S. 353. Relating to the office of Solicitor of the Fifth Judicial Circuit; creating a solicitor's fund for the use of the Circuit Solicitor.

By Mr. Allen:

S. 418. To amend Code of Alabama 1940, Title 31, Section 29, which relates to liens for rent of buildings.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Fite:

H. 568. To amend Section 657 of Title 51 of the Code of Alabama of 1940, as heretofore amended, so as to make further provisions respecting the distribution of the state gasoline excise tax.

By Messrs. Bevill and Scurlock:

H. 984. To create the State Sovereignty Commission in the Executive Branch of the Government of the State of Alabama, to provide for the membership thereof; to describe its duties, authority and powers; to provide the method for the selection of its members, their status and term of service; and to repeal all laws or parts of laws in conflict herewith.

By Mr. Fite:

H. 798. To provide for a credit to the tax levied by Section 788, Title 51, Code of Alabama 1940, as amended, for sales or use taxes paid to any other state:

By Mr. Fite:

H. 871. To provide that an amount for additional first year depreciation on certain property equal to the amount of investment credit allowed thereon as authorized by Federal revenue acts shall be allowed as an additional deduction in determining net income for State income tax purposes.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Hammond, Metcalf, Tyson, Clark, Adams, Lowe and Carter (With Amendment):

S. 298. To promote, aid and develop the marketing of fruits and vegetables grown in Alabama by creating the State Agricultural Marketing Commission and prescribing the powers and duties of such Commission; to authorize the establishment of farmer marketing facilities and the operation thereof including its financing and to provide for studies and surveys for the location of marketing facilities; to authorize and provide for an advertising and promotional campaign for Alabama produced fruits and vegetables; to make an appropriation for carrying out the provisions of this Act.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable

report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Turnham et al:

H. 564. To make an appropriation from the general fund in the state treasury to the use of the board of trustees of Auburn University for certain capital outlay purposes.

By Mr. Bevill:

H. 1102. To amend Code of Alabama 1940, Title 52, Section 282, in relation to the Alabama public school corporation.

By Mr. Goldthwaite:

H. 1042. To amend Code of Alabama, 1940, Title 51, Section 613, in relation to the license tax payable on vending machines.

By Messrs. Pierce, Goodwyn, Goldthwaite and Little:

H. 395. To amend schedule 105 of the Revenue Act of 1935, codified as section 569 of Title 51 of the Code of 1940, and thereby to classify photographers for privilege license tax purposes, and to establish the amount of the privilege license tax.

By Mr. Eddins:

S. 254. To amend Section 492 of Title 2 of the Code of Alabama of 1940 relating to the expenditure of funds for compiling agricultural statistics.

By Mr. Bassett et al:

H. 697. To make an appropriation to the use of the agricultural center board for construction and equipment of an agricultural center facility in Pike County.

By Mr. Hawkins:

S. 386. Relating to the purchase of supplies, materials, equipment, and contractual services by the state and its political subdivisions; requiring the use of supplies and materials manufactured or produced in the United States or its territories; and repealing conflicting laws.

By Mr. McDermott:

H. 402. To make an appropriation for the relief of Mrs. Robert W. Fobes.

By Mr. Crawford et al:

H. 1013. To make an appropriation to the state board of education for certain capital outlays.

By Mr. Oden:

S. 442. To authorize and provide for converting Northwest Alabama Junior College into an institution of the type authorized by Act No. 93, Second Special Session 1963; prescribing the manner of so converting such college and providing for the transfer of certain duties and responsibilities of the board of trustees thereof to the State Board of

Education; and constituting said board of trustees an advisory committee to advise and assist the State Board of Education in matters relative to such college.

By Mr. Steagall et al:

H. 738. Relating to the compensation of jurors; amending further Code of Alabama 1940, Title 11, Section 98.

By Mr. Clark:

S. 61. Relating to the administration of the state highway department; prescribing the salary of the executive assistant highway director

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Turner (Crenshaw) (With Substitute):

H. 21. To prescribe the allowance for depletion of iron ore mines and coal mines for state income tax purposes; repealing conflicting laws.

Mr. Mathews, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Eddins:

S. 316. To provide for actual expenses of travel to be paid the Chief Examiner and the Assistant Chief Examiner of the State Department of Examiners of Public Accounts.

Mr. Hawkins, Chairman of the Standing Committee on Banking, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwyn:

H. 527. To define the corporate status of production credit associations organized under the laws of the United States and provide the method of taxation of such associations.

Mr. Hornsby, Chairman of the Standing Committee on Insurance, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwyn et al (With Amendment):

H. 91. To create the State Employees' Insurance Board and authorize such Board to provide a group insurance plan for employees of the State of Alabama; to define the terms used in this Act; to provide for the contents of such group insurance plan and to define eligibility requirements for participation in such plan; to authorize the Board to execute contracts to provide benefits under such plan; to authorize the

inclusion of retiring state employees and the dependents of state employees and retiring state employees in such plan; to provide for the payment of benefits under such plan; to provide for a State Employees' Insurance Fund and for contributions thereto; to provide for the financing of the group insurance plan; to authorize the Board to adopt and promulgate rules and regulations for the administration of such plan; to provide an effective date of this Act and repeal all laws in conflict therewith.

Mr. Robison (Montgomery), Chairman of the Standing Committee on Public Welfare and Correctional Institutions, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cornett:

H. 295. To provide for conditional release of county prisoners; repealing conflicting laws.

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Roberts (With Notice and Proof):

S. 410. Relating to Madison County; amending Act No. 661, H. 1077, Regular Session 1957, the act creating Madison County Court (Acts 1957, V. 2, p. 1003), in relation to the jurisdiction of the court, the compensation of the judge, and the amount of trial fees imposed in civil cases.

By Mr. Roberts (With Notice and Proof):

S. 411. Relating to the twenty-third judicial circuit; providing for appointment of an additional clerk by the circuit solicitor.

By Mr. Roberts (With Notice and Proof):

S. 412. To authorize and provide for the establishment, maintenance, equipping, operation, and financing of a public law library in Madison County; and to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within the county.

By Mr. Roberts (With Notice and Proof):

S. 413. To amend Act No. 401, H. 838, Regular Session 1949, an act authorizing the board of registrars of Madison County to employ a full time clerk (Acts of Alabama, Regular Session 1949, p. 573).

By Mr. Roberts (With Notice and Proof):

S. 414. To amend further Act No. 476, H. 627, Regular Session 1955, an act creating the office of deputy circuit solicitor in the twenty-third judicial circuit, in relation to the compensation of the deputy solicitors payable by the county.

By Mr. Roberts (With Notice and Proof):

S. 415. To amend Section 1 of Act No. 501, S. 399, Regular Session 1957, an act relating to Madison County.

By Mr. Roberts (With Notice and Proof):

S. 416. Relating to counties having populations of not less than 110,000 nor more than 160,000; creating an educational survey committee to study, evaluate and make recommendations to the boards of education of such counties for improvements in the public school systems of the county; and making appropriations.

By Mr. Allen (With Notice and Proof):

S. 417. To amend Section 7 of Act No. 13, H. 5, First Special Session 1955 (Acts 1955, p. 37), an act relating to the reorganization of the government of Cullman County, so as to provide for the employment of a highway superintendent II in the county.

By Mr. Allen:

S. 419. To provide for the appointment of custodians for the state highway shops and garages located in counties having populations of not less than 14,400 nor more than 14,900, according to the 1960 or any subsequent federal decennial census.

By Mr. Wilson (With Notice and Proof):

S. 423. Relating to Walker County; abolishing the Law and Equity Court of Walker County and establishing in lieu thereof The Intermediate Court of Walker County; defining the court's jurisdiction and powers; providing for its officers, and their powers, duties and compensation; providing for the holding of the terms and sessions of the court; providing for the rules and procedure of the court; and providing for the transfer of all cases pending in the Law and Equity Court of Walker County to the Intermediate Court of Walker County, Alabama.

By Mr. Smith (With Notice and Proof):

S. 425. To provide for branch banking in Russell County.

By Mr. Oden (With Notice and Proof):

S. 428. Relating to Franklin County, regulating further the business of money brokers and persons who lend money on notes or mortgages or other personal security, prohibiting the issuance of licenses to such persons under the Alabama Small Loan Act, and prescribing penalties.

By Mr. Gilchrist:

S. 430. Relating to counties having populations of not less than 57,000 nor more than 61,000; providing an additional and alternative method for the service of process in civil actions in justice of the peace courts.

By Messrs. Tyson, Robison (Montgomery) and Dumas:

S. 433. To amend the title, as last amended, and to amend Section 1, as last amended, Section 7, as last amended, Section 9, as last amended, and Section 10, as last amended, and to repeal Section 11, all of Act No. 529, General Laws of Alabama, approved September 2, 1949 (Acts of Alabama, 1949, p. 827 et seq.) entitled, "An Act to apply in all counties of this State having a population of not less than 140,000 according to the last or any subsequent Federal census and to provide for the protection of public health and safety in such counties

by requiring persons to establish their competency as plumbers before doing or supervising plumbing in said counties in this State; to create a board to be known as the Plumbers Examining Board; to define plumbing, master plumbers, journeymen plumbers and subjects related to plumbing; to provide for the appointment of the members of said Plumbers Examining Board and their term of office; to provide for the payment of compensation to the members of said Board and the employees thereof, and to provide for the payment of expenses incurred by the members of said Board and its employees; to define the powers conferred upon the duties imposed upon said Board; to provide funds for the maintenance, operations and functions of said Board; to provide for the examination and certification of master plumbers and journeymen plumbers; to provide for the payment of examination fees and certificate fees; to empower the said Board to revoke certificates; to provide for appeals from the ruling of the Board; to provide for the execution and filing of bonds by plumbers; to provide penalties for the violation of this Act," as heretofore amended.

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Shelton (With Substitute):

S. 437. To amend Act No. 832, House Bill 1501, approved September 8, 1961, relating to counties having a population of not less than 80,000 nor more than 96,000 inhabitants, according to the last or any subsequent federal decennial census; prohibiting consumption of alcoholic beverages in certain places in such counties; providing that the Act shall not be construed as authorizing or legalizing the sale of alcoholic beverages at any other places in such county in which a majority of the qualified electors of the county voting at a referendum held for that purpose have voted that the county shall be a dry county; prescribing penalties for violations of the Act.

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hammond (With Notice and Proof):

S. 434. Relating to DeKalb County; providing that no employee or officer of the county board of education shall be a candidate in any primary election for any office without taking a leave of absence without pay.

By Mr. Tyson (With Notice and Proof):

S. 435. Relating to Mobile County and providing for the levy and collection by the governing body of Mobile County of a privilege or license tax upon every person, firm, or corporation selling, delivering, or withdrawing from storage or keeping in storage for sale or delivery in Mobile County, any gasoline, naptha, and other liquid motor fuels, or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil," "fuel oil," or "crude oil" commonly used for lighting, heating, or industrial purposes; providing that the amount of any municipal excise tax levied on such motor fuels and paid to any municipality in Mobile County shall be a credit toward

the payment of the tax levied by this Act; providing for the enforcement and collection of the tax; providing for the distribution of the proceeds thereof to the Mobile County Hospital Board to be used for public hospital purposes; providing for the application of a portion of said proceeds to repayment of any advances made by the City of Mobile for construction of or improvement to public hospital facilities owned or operated by the Mobile County Hospital Board; and providing for the repeal of Act No. 369, H. 952, Regular Session 1955 (Acts, 1955, p. 892), relating to the levy of a privilege or license tax upon liquid motor fuels in Mobile County.

By Mr. Hawkins:

S. 436. Relating to judicial circuits composed of one county having a population of not less than 96,000 nor more than 108,000; providing a supplemental salary for the judges of such circuits subject to certain contingencies.

By Mr. Bentley (With Notice and Proof):

S. 438. Relating to the purchase of supplies, materials, equipment, and contractual services, and the sale or exchange of property, by or for Blount County; providing for competitive bidding on certain contracts, purchases, sales, and exchanges; prescribing penalties.

By Hr. Hammond:

S. 439. Relating to counties having populations of not less than 38,000 nor more than 45,000; providing for the compensation of members of the jury commissions in such counties.

By Mr. Roberts (With Notice and Proof):

S. 440. To amend Act No. 98 of the 1963 Second Special Session of the Legislature of the State of Alabama as approved by the Governor on May 8, 1963, and to amend and correct the description therein contained.

By Mr. Taylor:

S. 441. To prescribe the qualifications for the county superintendents of education of counties having populations of not less than 17,500 nor more than 17,800, and repealing conflicting laws.

By Mr. Allen:

S. 443. Relating to counties having populations of not less than 42,000 nor more than 46,000; providing sick leaves of absence with pay for all regularly employed school bus drivers of such counties.

Mr. Metcalf, Chairman of the Standing Committee on Education, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed in the calendar, to-wit:

By Mr. Turner (Crenshaw) et al (With Substitute):

H. 891. Relating to public schools; empowering local school boards of the state to further regulate the manner, method, and procedure for teaching in the classrooms of the public schools.

Mr. Metcalf, Chairman of the Standing Committee on Education, reported that said Committee, in Session, had acted on the following

bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Robison (Pickens):

S. 166. Proposing an amendment to the Constitution of Alabama relating to the University of Alabama and its board of trustees.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Turner (Crenshaw) et al:

H. 892. Relating to public schools; further empowering local boards of education to take certain actions in respect of pupils who create disciplinary problems.

By Messrs. Turnham, Callahan, Brown (Tuscaloosa) and Campbell (Tuscaloosa):

H. 947. To provide for the creation of the University of Alabama Medical Center and to prescribe its function and powers.

By Messrs. Vacca, Gilmore, Bailes and Powell:

H. 167. To provide for the establishment, maintenance, and operation of a trade school for the prison system of Alabama at Draper Prison, and to provide an appropriation therefor.

Mr. Brannan, Chairman of the Standing Committee on Agriculture, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Salter et al:

H. 413. To regulate the labeling, sale and offering or exposing for sale or distribution of agricultural, vegetable, flower, tree, shrub and herb seeds; to prevent misrepresentations relative thereto and to prohibit the sale of such seeds not in compliance with the requirements of this Act; to require seed dealers and others engaged in the sale of seeds to obtain an annual permit from the Department of Agriculture and Industries and to prescribe the amount of the permit fee; to authorize the State Board of Agriculture and Industries to promulgate rules and regulations for effectuating the purposes of this Act; to prescribe the duties and authority of the Commissioner of Agriculture and Industries relative to administration and enforcement of this Act; to prescribe a penalty for violations of this Act and other administrative and enforcement provisions; to repeal Act No. 560, S. 369, Legislature of 1943, approved July 9, 1943 (Acts of 1943, page 552).

Mr. Clark, Chairman of the Standing Committee on Privileges and Elections, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Salter et al:

H. 727. Further regulating the registration of voters in Alabama; prescribing qualifications for registering and voting and providing for

the determination thereof; creating the state board of examiners for voter registration, and prescribing its powers and duties; providing for the appointment and removal of the members of this board and prescribing their duties, powers, terms, and compensation; providing for the appointment of an executive secretary of the Board, and regulating his duties, powers, tenure and compensation; prescribing penalties, and repealing conflicting legislation.

By Mr. Salter et al:

H. 728. Proposing an amendment to Article VIII, Section 181, as amended, of the Constitution of Alabama, in relation to voter registration, requirements and questionnaires.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Robison (Pickens):

S. 26. To divide the state into congressional districts and provide for election of congressmen by districts; amending Code of Alabama 1940, Title 17, Sections 425-426.

Mr. Shelton, Chairman of the Standing Committee on Public Health, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Turner (Crenshaw) et al:

H. 406. To amend Sections 210 and 211, Title 46, Code of Alabama (1940), as amended, which relates to the practice of optometry in stores or business establishments, by the repeal of provisions that permit the practice of optometry to be conducted by other than professional optometrists.

Mr. Tyson, Chairman of the Standing Committee on Fish and Game, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Snell:

H. 128. To amend Section 1 of Act No. 644, S. 328, approved September 16, 1953, Acts of Alabama, Regular Session, 1953, page 903, entitled, "An Act relating to fish and game; authorizing the use of certain species of the sunfish family for bait in the streams and waters in the State of Alabama."

By Mr. Cantrell et al:

H. 184. To amend Section 90, Title 8, Code of Alabama 1940, as last amended by Act No. 783 of the General Acts of Alabama 1951, page 1378, approved September 11, 1951.

By Messrs. Campbell (Tuscaloosa), McCorquodale, Cantrell and Reynolds:

H. 205. Relating to hunting; prohibiting the taking or killing of deer from any boat, vessel or floating device providing for the penalty therefor and prescribing rules of evidence in such cases.

Mr. Allen, Chairman of the Standing Committee on Public Roads and Highways, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Drake:

H. 1008. Prohibiting the use of convict labor by the State Highway Department in the construction, repair, and maintenance of certain county roads and bridges.

Mr. Allen, Chairman of the Standing Committee on Public Roads and Highways, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Oden (With Amendment):

S. 422. To amend further Section 2 of Act No. 669, H. 792, Regular Session 1939 (Acts 1939, p. 1064), known as the Alabama Motor Carrier Act of 1939.

RESOLUTION

Mr. Mathews offered the following Senate Joint Resolution, to-wit:

S. J. R. 44. BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING, That there shall be an interim fiscal advisory committee to the Governor, to be composed of the Speaker of the House, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance and Taxation Committee, who shall elect a chairman from among their number. The committee shall meet on call of the chairman, and may employ such assistants as may be needed to carry out the purpose of the committee. Members shall receive the regular per diem pay and allowances provided for legislators for each day spent on committee business, plus mileage. The pay and expenses of the committee and its assistants shall be paid from funds appropriated to the use of the legislature.

On motion of Mr. Mathews, the Rules were suspended and said Resolution was adopted by the Senate.

RESOLUTION

Mr. Nichols offered the following Senate Joint Resolution, to-wit:

S. J. R. 45. BE IT RESOLVED by the Legislature of Alabama, both Houses thereof concurring, that the Lieutenant Governor of the State of Alabama is authorized to employ on a full time basis, whether the Legislature be in session or not, a full time secretary, whose compensation shall be set by the Secretary of the Senate on the same basis as other legislative secretaries doing comparable work. The secretary so employed shall be covered by the Employees' Retirement System from the date of employment.

On motion of Mr. Nichols, the Rules were suspended and said Resolution was adopted by the Senate.

SPECIAL ORDERS CONTINUED
BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount and continuing order of business for today, the first of which was the Bill:

S. 145. To create in the State Highway Department a legal division, to provide for a chief counsel, assistant counsel and other personnel thereof, and to prescribe the functions and duties of such division and such counsel.

The Standing Committee on Judiciary reported the following substitute for the Bill, to-wit:

SUBSTITUTE FOR SENATE BILL 145

A BILL
TO BE ENTITLED
AN ACT

To create in the State Highway Department a legal division, to provide for a chief counsel, assistant counsel and other personnel thereof, to prescribe the functions and duties of such division and such counsel, to provide for the expenses of such office and to provide for the salaries of such counsel and such assistants.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby established and created in the State Highway Department a legal division, which shall be headed by and be under the direction, supervision and control of an officer who shall be designated as chief counsel for the State Highway Department, to be appointed by the highway director with the approval of the attorney general, subject to provisions of the state merit system laws.

Section 2. The highway director, with the approval of the attorney general, shall be authorized, subject to the provisions of the state merit system law, to appoint not more than five assistant counsel as may be necessary to transact the legal business of the state highway department. The chief counsel and the assistant counsel shall each be commissioned as an assistant attorney general and take the oath required of other assistants of the attorney general. The chief counsel, and the assistant counsel and their stenographic and clerical assistants shall constitute the legal division of the state highway department.

Section 3. The salaries of the chief counsel and assistant counsel shall be fixed in accordance with the merit system pay plan for assistant attorneys general and shall be paid as the salaries of other state officials and employees are paid from funds appropriated or otherwise available to the state highway department.

Section 4. The chief counsel and the assistant counsel shall be furnished with offices, necessary stenographic and clerical help, subject to the provisions of the state merit system law, and office equipment, stationery and postage, and shall be allowed reasonable travelling expenses, when travelling on business of the state, all to be paid by the state highway department from funds appropriated or otherwise available therefor.

Section 5. The salaries of the chief counsel, assistant counsel, stenographic and clerical help and other expenses of the legal division

shall be charged so far as practicable to the division or function of the state highway department for which the expense was incurred.

Section 6. The highway director, with the approval of the governor, may retain such local counsel as may be necessary or desirable to acquire rights of way and to assist in condemnation proceedings for state and interstate highways. Such local counsel shall be paid in accordance with a uniform fee schedule, and such uniform fee schedule shall be determined by the highway director, with the approval of the governor, provided that this compensation shall be paid from funds available for and as part of the cost of the acquisition of such rights of way.

Section 7. The functions and duties of the legal division of the state highway department shall include the following: (1) to advise the state highway director and other personnel of the state highway department on the legal aspects of all highway department business; (2) to examine and advise as to the legality of all contracts and agreements entered into by the state highway department or the highway director; (3) to take all legal action necessary or desirable in the acquisition of rights of way for state and interstate highways; (4) to appear in court as attorney for the state of Alabama and the state highway department in the acquisition of rights of way for state and interstate highways; (5) to represent the state highway department and the state highway director in all legal proceedings to which the state highway department or the state highway director is a party.

Section 8. The Chief counsel and assistant counsel shall devote their full time to the state highway department and shall not, during their incumbency in office, engage in the private practice of law.

Section 9. This act shall take effect immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Mr. Carter moved that further consideration of the Bill, S. B. 145 and pending Committee substitute, be postponed until the next Legislative Day. On motion of Mr. Robison (Montgomery), the motion to postpone was laid on the table.

Yeas 17; Nays 16.

Yeas:

Messrs.	Evans	Horton	Reynolds
Bentley	Gilchrist	James	Roberts
Clark	Givhan	Lolley	Robison (Montgomery)
Dumas	Hawkins	Nichols	Robison (Pickens)
Eddins	Hornshy		—17

Nays:

Messrs.	Cooper	Metcalf	Smith
Adams	Hammond	Montgomery	Taylor
Allen	Lowe	Oden	Tyson
Brannan	McCain	Shelton	Wilson
Carter			—16

MOTION TO RECONSIDER LOST

Mr. James moved that the Senate reconsider the vote by which it tabled the motion to postpone further consideration of the Bill, S. B. 145 and pending substitute. The motion to reconsider was lost.

Yeas 15; Nays 16.

Yeas:

Messrs.	Cooper	Lowe	Oden
Adams	Givhan	McCain	Taylor
Allen	Hammond	Metcalf	Tyson
Carter	James	Montgomery	Wilson

—15

Nays:

Messrs.	Eddins	Hornsby	Roberts
Bentley	Evans	Horton	Robison (Montgomery)
Brannan	Gilchrist	Mathews	Robison (Pickens)
Clark	Hawkins	Nichols	Smith
Dumas			

—16

RECESS

At 12:25 P. M., on motion of Mr. Horton, pending further consideration of S. B. 145, the Senate took a recess until 1:25 o'clock this afternoon.

Yeas 21; Nays 11.

Yeas:

Messrs.	Evans	James	Robison (Montgomery)
Allen	Gilchrist	Mathews	Robison (Pickens)
Bentley	Givhan	Metcalf	Shelton
Clark	Hawkins	Nichols	Smith
Dumas	Hornsby	Roberts	Tyson
Eddins	Horton		

—21

Nays:

Messrs.	Carter	Lowe	Oden
Adams	Cooper	McCain	Taylor
Brannan	Hammond	Montgomery	Wilson

—11

AFTERNOON SESSION

THIRTY-FIRST LEGISLATIVE DAY

FRIDAY, AUGUST 16, 1963

The Senate re-assembled at 1:25 P. M., Lieutenant Governor Allen presiding.

ROLL CALL

Present:

Messrs.	Eddins	Lolley	Roberts
Adams	Evans	Lowe	Robison (Montgomery)
Allen	Gilchrist	Mathews	Robison (Pickens)
Bentley	Givhan	McCain	Shelton
Brannan	Hammond	Metcalf	Smith
Carter	Hawkins	Montgomery	Taylor
Clark	Hornsby	Nichols	Tyson
Cooper	Horton	Oden	Wilson
Dumas	James	Reynolds	

—34

UNFINISHED BUSINESS
BILLS ON THIRD READING

The Senate proceeded to consideration of the unfinished business of the Morning Session, which was the Bill:

S. 145. To create in the State Highway Department a legal division, to provide for a chief counsel, assistant counsel and other personnel thereof, and to prescribe the functions and duties of such division and such counsel.

The question was on the substitute for the Bill reported by the Standing Committee on Judiciary and which said substitute is set out at length in the Morning Journal of the Senate, Thirty-First Legislative Day.

And said substitute for the Bill, S. B. 145, was then adopted.

Yeas 30; Nays 0.

Yeas:

Messrs.	Dumas	Lolley	Robison (Montgomery)
Adams	Eddins	Lowe	Robison (Pickens)
Allen	Evans	Mathews	Shelton
Bentley	Gilchrist	McCain	Smith
Brannan	Givhan	Metcalf	Taylor
Carter	Hammond	Nichols	Tyson
Clark	Horton	Reynolds	Wilson
Cooper	James	Roberts	—30

Nays:

—0

Messrs. Metcalf and Dumas offered the following amendment to the Bill, S. B. 145, as amended by the substitute, to-wit:

AMENDMENT TO SENATE BILL 145

Senate Bill 145, as heretofore amended is hereby further amended by striking out Section 6 thereof and renumbering Sections 7, 8 and 9, respectively, Sections 6, 7 and 8.

Section 6 of Senate Bill 145, as heretofore amended, is hereby amended by inserting in the second line thereof after the word "shall" and before the words "include the following" the words, "as all other Assistant Attorneys General,"

Which was adopted.

Yeas 30; Nays 0.

Yeas:

Messrs.	Dumas	Lolley	Robison (Montgomery)
Adams	Eddins	Lowe	Robison (Pickens)
Allen	Evans	Mathews	Shelton
Bentley	Gilchrist	McCain	Smith
Brannan	Givhan	Metcalf	Taylor
Carter	Hammond	Nichols	Tyson
Clark	Horton	Reynolds	Wilson
Cooper	James	Roberts	—30

Nays:

—0

And said Bill, S. B. 145, as thus amended, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

Yeas:

Messrs.	Dumas	Lolley	Robison (Montgomery)
Adams	Eddins	Lowe	Robison (Pickens)
Allen	Evans	McCain	Shelton
Bentley	Gilchrist	Metcalf	Smith
Brannan	Givhan	Nichols	Taylor
Carter	Hammond	Reynolds	Tyson
Clark	Horton	Roberts	Wilson
Cooper	James		

—29

Nays:

—0

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Mathews:

S. 457. To make additional appropriations to the Department of Conservation.

Committee on Finance and Taxation.

By Mr. Tyson:

S. 458. Relating to Mobile County; requiring an annual appropriation from the general fund of the county to the Mobile County hospital board.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

A BILL TO BE ENTITLED AN ACT

Relating to Mobile County; requiring an annual appropriation from the general fund of the county to the Mobile County hospital board.

Be it enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue or like governing body of Mobile County shall appropriate annually

from the general fund of the county, to the use of the Mobile County hospital board, an amount equal to all revenues paid into the county treasury by the tax collector from the proceeds of the gasoline tax collected under authority of Act No. 369, H. 952, Regular Session 1955 (Acts 1955, p. 892), as amended, during the preceding year.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

W. F. Egan being sworn, says that he is Comptroller of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and the attached notice appeared in the issue of The Mobile Register July 22, 29, and August 5, 1963.

W. F. EGAN,

Sworn to and subscribed before me this 5 day of August 1963.

EDWIN LEE PERKINS,
Notary Public.

By Mr. Allen:

S. 459. To amend Section 6 of Act No. 762, S. 515, Regular Session 1951 relating to the incorporation of gas districts; providing further for the compensation of members of the board of directors of such corporations.

Committee On Municipalities and Municipal Organizations.

By Mr. Smith:

S. 460. To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in all counties having populations of not less than 46,000 nor more than 46,500 according to the 1960 or any subsequent federal decennial census; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

Committee on Local Legislation.

By Mr. Tyson:

S. 461. To further amend Section 6 of Act No. 105, S. 152, Regular Session 1955 (Acts 1955, p. 360), relating to the corporate powers and the duties of the Mobile County Hospital Board, exempting the members thereof from personal liability and civil damages for actions taken in performance of official duties.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

A BILL TO BE ENTITLED AN ACT

To further amend Section 6 of Act. No. 105, S. 152, Regular Session 1955 (Acts 1955, p. 350), relating to the corporate powers and the duties of the Mobile County Hospital Board, exempting the members thereof from personal liability and civil damages for actions taken in performance of official duties.

Be it enacted by the Legislature of Alabama:

Section 6 of Act No. 105, S. 152, Regular Session 1955 (Acts 1955, p. 350), as amended, relating to the corporate powers and duties of the Mobile County Hospital Board, is further amended to read:

"Section 6. The members of the county hospital board shall constitute a body corporate and politic, and the corporation shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form: To have succession in perpetuity or until dissolved as provided by law; to sue and be sued and to defend suits against it; to make use of a corporate seal and to alter the same at pleasure; to receive, acquire, take and hold, whether by purchase, gift, lease, devise, or otherwise, real and personal estate of every description, and to manage and dispose of same by any form of legal conveyance or transfer; to acquire, construct, equip, enlarge, improve, maintain, and operate a hospital, and to do all things necessary to that end; to conduct nurses' training schools; to borrow money and to issue interest bearing securities in evidence of the borrowing; to mortgage, pledge, or otherwise convey its property and its revenues from any source; to appoint and employ such officers and agents, including attorneys, as the business of the corporation may require; to establish and collect and alter charges for services rendered and supplies furnished by it; to make rules and regulations for the treatment of charity patients and for the conduct of any hospital owned or operated by it and to alter such rules and regulations; to provide for such insurance as the corporation may deem advisable; to cooperate with the State Board of Health, and to make such contracts with it as the board of directors of the corporation may deem advisable respecting the operation of any hospital, and to take such action not in violation of law as may be necessary in order to qualify the corporation to receive funds appropriated by the United States or the State of Alabama; and to invest in general obligations of the United States or of the State of Alabama any funds of the corporation which the board may determine are not presently needed for its corporate purposes.

"The individual members of the county hospital board shall not be held personally liable or accountable in civil damages for any action taken in the performance of an official duty as herein provided or any other duty or action authorized or directed by the board.

"The county hospital board shall adopt rules and regulations for the operation of the board and designate times and places for meetings. The board shall appoint an administrator for the hospital or if the board deems it advisable, it may contract, hire or let out the operation

to any society, organization, association or agency and make payments to said society, organization, association or agency for the care of indigent and charity patients. The board shall prepare an annual budget and make a report to each of the governing bodies making payments to the board of the operation of the hospital during each fiscal year, which said fiscal year is designated as beginning on October 1st and ending September 30 of each year."

C. R. Willisson being sworn, says that he is Office Manager of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register July 22, 29 and August 5, 1963.

C. R. WILLISSON.

Sworn to and subscribed before me this 5 day of August, 1963.

EDWIN LEE PERKINS,
Notary Public.

By Mr. Tyson:

S. 462. To further amend Section 5 of Act No. 369, H. 952, Regular Session 1955 (Acts 1955, p. 892) relating to the levy of a gasoline tax in Mobile County; further providing for the distribution of the proceeds therefrom.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

**A BILL
TO BE ENTITLED
AN ACT**

To further amend Section 5 of Act No. 369, H. 952, Regular Session 1955 (Acts 1955, p. 892) relating to the levy of a gasoline tax in Mobile County; further providing for the distribution of the proceeds therefrom.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 369, H. 952, Regular Session 1955 (Acts 1955, p. 892) as amended, relating to the levy of a gasoline tax in Mobile County is further amended to read as follows:

"Section 5. The proceeds of the tax levied herein shall be paid by the tax collector into the county treasury and shall be appropriated and used as authorized by law."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall take effect on the first day of the month next succeeding the month of its enactment.

C. R. Willisson being sworn, says that he is Office Manager of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and the attached notice appeared in the issue of The Mobile Register July 22, 29, August 5, 1963.

C. R. WILLISSON.

Sworn to and subscribed before me this 5 day of Aug. 1963.

EDWIN LEE PERKINS,
Notary Public.

By Messrs. Gilchrist and Horton:

S. 463. To provide for the appointment of an investigator for the circuit solicitor of circuits composed of three counties having a combined population of more than 100,000; and authorizing the appointment of clerical assistants; and providing for the payment of investigative expenses.

Committee on Local Legislation.

By Mr. Dumas:

S. 464. To amend further Act No. 452, H. 974, Regular Session 1955 (Acts 1955, p. 1004), relating to the establishment of a mayor-council form of municipal government in cities having populations of more than 200,000.

Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES

Mr. Evans, Chairman of the Standing Committee on Forestry and Conservation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Horton:

S. 426. Relating to the development of the Elk River Watershed area; creating the Elk River Development Agency; providing for its incorporation as a public body corporate; prescribing its authority, powers, duties, functions, and management; authorizing the agency to issue bonds, and the counties of Lauderdale and Limestone and municipalities therein to contribute funds for its use.

By Mr. Horton:

S. 427. Proposing an amendment to the Constitution of Alabama relative to the development of the Elk River water shed area.

The above Bill was read a second time at length as required by the Constitution.

Mr. Clark, Chairman of the Standing Committee on Privileges and Elections, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Engel et al:

H. 686. To provide for and require reidentification of the registered electors of all counties in Alabama which have not conducted a reidentification of voters since January 1, 1953; imposing duties upon boards of registrars and other county officers, and upon the electors whose names appear on the lists of qualified voters.

Mr. Smith, Chairman of the Standing Committee on Immigration, Industrial Resources and Labor, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Bevill and Scurlock:

H. 300. To provide for appointment of an assistant director of labor and fix his compensation.

Mr. Adams, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Brown (Jefferson), Bevill, Scurlock and Burns:

H. 519. To amend further Section 29, Act No. 207, S. 134, Regular Session 1949, the act known as the "Alabama Mine Safety Law of 1949."

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Thomas, Collins and Bailes:

H. 270. To better provide for the public health by providing for the regulation and approval of schools of nursing, for the examination, regulation and licensing of professional and practical nurses; to create and define the duties and powers of the Board of Nursing, the Advisory Council for Practical Nurses and the Advisory Committee to the Board of Nursing; to provide for the appointment and prescribe the terms of office, duties and compensation of members of such Board, Council and Committee; to provide for disciplining licensees and for appeals from decisions of the Board; to prescribe penalties for violation of the provisions of this Act; and to make appropriation for the purpose of carrying out this Act.

Also:

By Messrs. Thomas and Collins:

H. 6. Defining and regulating the practice of physical therapy; providing for examination and licensing of physical therapists; providing for the appointment of a board of physical therapy; providing for the enforcement of the provisions of this Act; and prescribing penalties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 270 — to the Committee on Finance and Taxation

H. B. 6 — to the Committee on Public Health

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 246. Proposing a constitutional amendment relating to the City of Bayou La Batre in Mobile County.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Casey, Ingram, Salter, Turner (Limestone), Drake and Cates:

H. 724. Relating to taxation: To exempt boxes, other containers and materials from the State Sales and Use Tax when used in preparing certain products for market.

Also:

By Messrs. Fite and Brewer:

H. 923. To make additional appropriation to the Department of Public Safety.

Also:

By Mr. Goodwyn:

H. 831. To provide an appropriation of funds which are available to the Division of Employment Security of the Alabama Department of Industrial Relations out of funds credited to this State's account in the Unemployment Trust Fund by the Secretary of the Treasury of the United States of America, pursuant to section 903 of the Social Security Act, as amended, for the purpose of acquiring land or lands adjoining or adjacent to the building now being built by the State of Alabama on the north side of Monroe Street in the City of Montgomery to be occupied by the Division of Employment Security of the Department of Industrial Relations of the State of Alabama, said land or lands to be used for automobile parking purposes by employees of the said division of Employment Security.

Also:

By Mr. Goodwyn:

H. 832. To provide for the liquidation of the obligation of the State of Alabama to the Treasurer of the United States as a result of benefits paid under the Temporary Unemployment Compensation Act of 1958.

By Mr. Goldthwaite:

H. 822. Relating to assets and investments for insurance companies.

Also:

By Messrs. Downing, Mashburn, Turner (Crenshaw), Smith, Pierce, Engel, Edington, Goodwyn, Rogers and McDermott:

H. 925. To amend Code of Alabama 1940, Title 29, Section 1, in relation to definitions of terms used in the ABC Act.

Also:

By Messrs. Goodwyn, Turner (Crenshaw), Jones (Covington), Pierce and Fite:

H. 90. To establish the Alabama higher education assistance commission; to permit the commission to guarantee higher education loans to Alabama students; and to make an appropriation to the commission.

Also:

By Messrs. Goodwyn, Turner (Crenshaw), Jones (Covington), Pierce and Fite:

H. 95. To provide for the creation, award and administration of State competitive scholarships for use by qualified students in any accredited institution of collegiate grade and to make an appropriation therefor.

Also:

By Messrs. Goodwyn, Pierce, Little, Goldthwaite, Nettles, Turner (Crenshaw), Glass, Edwards (Lowndes), Daniel, Paulk, Turnham, Steagall, Hain, Blanton, Jones (Montgomery), Cornett, Grouby, Salter and Cooper:

H. 644. To make an appropriation from the state treasury in aid of the annual fat stock show at the Alabama state coliseum by FFA and 4-H clubs.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 's 724, 923 and 644 — to the Committee on Finance and Taxation

H. B.'s 831 and 832 — to the Committee on Immigration, Industrial Resources and Labor

H. B. 822 — to the Committee on Insurance

H. B. 925 — to the Committee on Temperance

H. B.'s 90 and 95 — to the Committee on Education

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Cates:

H. 297. Relating to the preservation and protection of the public health and providing for the registration of sanitarians and sanitarians-in-training; providing for the establishment of a board of registration and prescribing its powers, duties and functions; dealing with qualifications, appointments, removal, compensation, and expenses of members thereof; providing for examination, qualifications, and registration of sanitarians and sanitarians-in-training and for issuance, renewal, and reinstatement of certificates of registration; fixing fees therefor; authorizing revocation of certificates; providing for expenditure of funds collected under provisions of this act; fixing purposes for which such funds may be used; and providing a penalty.

Also:

By Mr. Turnham:

H. 1087. To re-divide the State into judicial circuits so as to create the Thirty-Fourth Judicial Circuit, and to provide for a judge and solicitor of the newly-created circuit; amending further Code of Alabama 1940, Title 13, Section 112; repealing conflicting laws.

Also:

By Mr. Turnham:

H. 969. To make an appropriation of funds to finance a poultry and egg research program and to prescribe a method to establish and carry out such a program.

Also:

By Messrs. Turnham and Cook:

H. 677. To provide further for reporting collections made by clerks of the circuit and inferior courts.

Also:

By Messrs. Turnham and Cook:

H. 679. Relating to costs and fees; providing for the payment of fees of circuit clerks in cases docketed on the grand jury docket; repealing conflicting laws.

Also:

By Mr. Rast:

H. 869. To amend Sections 10 and 14 of Act No. 576, Acts of Alabama 1959, approved November 19, 1959, entitled "An Act Relating to the registration of vessels and their operation on the waters of this State and providing for water safety; providing for definitions; registration and identification of vessels used on the waters of this State by the Conservation Department of this State; the enforcement of this act; duties of the director of the State Department of Conservation; fee schedule for vessel registration; term of certificates and registration; establishment of a numbering and identifying system in compliance with Federal Boating Act of 1958 and any subsequent amendment thereto prohibiting vessel operation when unnumbered; establishing exemptions from numbering provisions; requiring safety equipment; requiring records to be kept by boat liveryes; requiring accident reports to be filed with Conservation Department; certain operations of vessels prohibited; prohibition by local regulation of water safety; granting rule making authority to Director of Conservation with limitations as set out in this act; the establishment of license fees on vessels and providing penalties for violation of the provisions of this act; providing for an appropriation of \$32,500.00 to the Department of Conservation for the administration of the provisions of this Act and for the transfer of certain monies to the Administrative Division of the Department of Conservation; to provide for the appointment of special agents to sell boat licenses; to repeal all laws in conflict with the provisions of this Act", as amended by Act No. 878, Acts of Alabama 1961, Regular Session, approved September 8, 1961.

Also:

By Messrs. Reynolds, Pennington and Baker (Madison):

H. 804. Relating to education; authorizing the Alabama Education Authority to issue and sell additional bonds in the principal sum of \$900,000 for the purpose of constructing a library at the Alabama Agricultural and Mechanical College.

Also:

By Mr. Fite:

H. 620. To amend Sections 2 and 12, Act No. 289, Regular Session 1955, to provide for a change in the standard deduction allowed individuals for income tax purposes; and to raise the maximum limit for filing of the short form.

Also:

By Mr. Fite:

H. 621. To amend Section 1 of Act No. 208, Regular Session 1951 (Acts 1951, p. 470) which relates to deductions to individual income taxpayers and more specifically authorizes, provides for and regulates use of an optional standard deduction in lieu of an itemization of certain specific deductions allowed by law and also the deduction of federal income taxes paid or accrued within the taxable year.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 297 — to the Committee on Public Health

H. B.'s 1087, 677 and 679 — to the Committee on Judiciary

H. B.'s 969, 869, 804, 620 and 621 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Fite:

H. 328. To be designated Section 633 (1) of Title 51, Code of Alabama 1940, and to provide for the licensing of persons selling or distributing lubricating oil in this state and prescribing penalties for violations of this Act.

Also:

By Mr. Fite:

H. 570. To better secure proper identification of taxpayers by requiring information to be furnished the Department of Revenue as to the Social Security account number and Federal Employer's identification number pertaining to said taxpayers.

Also:

By Messrs. Bevill and Scurlock:

H. 301. To create the office of supernumerary chief clerk of the probate court of each county of this state; to prescribe the conditions under which a chief clerk may become a supernumerary chief clerk; to prescribe the qualifications, tenure in office, duties, powers, authority, compensation, and the method of removal from office of such supernumerary chief clerks; and to provide for the payment of their compensation out of the state treasury.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing

Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 328 and 570 — to the Committee on Finance and Taxation

H. B. 301 — to the Committee on Counties and County Boundaries

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Goodwyn, Pierce, Hain, Glass, Engel, Downing, Daniel, Scurlock, Hankins, Sullivan, Callahan, Davis, Boston, Grouby, Camp, Edwards (Escambia), Branyon, Nettles, Jones (Covington), Campbell (Jackson), Turner (Limestone), Bevill, Meeks, Vacca, Thomas, Casey, Salter, Goldthwaite, Merrill, Turnham, Fite, Turner (Crenshaw) and Brewer:

H. 937. To amend Act No. 554, Regular Session 1957, which created a Committee on Aging of the State of Alabama so as to change its name, to increase its membership, to change the method of appointment of the executive officer, and to authorize it to receive gifts, money, and other things of value.

Also:

By Messrs. Goodwyn, Pierce, Hain, Glass, Engel, Downing, Daniel, Scurlock, Hankins, Sullivan, Callahan, Davis, Boston, Grouby, Camp, Edwards (Escambia), Branyon, Nettles, Jones (Covington), Campbell (Jackson), Turner (Limestone), Bevill, Meeks, Thomas, Casey, Salter, Goldthwaite, Merrill, Turnham, Fite, Turner (Crenshaw), Brewer and Vacca:

H. 938. To make an appropriation to the Commission on Aging of the State of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B. 's 937 and 938 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Thomas:

H. 607. To provide for a mineral resources survey of the Choctaw-hatchee-Pea River basin and the Escambia-Conecuh River basin counties, and making an appropriation for the purpose.

Also:

By Messrs. Rogers, Smith, Hogan, Fields, Edington, Downing, Hester, McDermott, Engel, Little, Pierce, Goldthwaite, Perry and Morrow:

H. 1031. Relating to state revenue; exempting certain entertainments, exhibitions, and amusements from the sales tax levied or imposed by Section 2 (b), Act No. 100, Second Special Session 1959.

Also:

By Messrs. Powell and Nettles:

H. 1010. Relating to the police power of the state; to prohibit unauthorized persons going upon or remaining on church property or entering churches contrary to specific instructions by an authorized agent of such church; prescribing penalties.

Also:

By Mr. Powell:

H. 614. To repeal subsection H. of Section 214, Title 26, Code of Alabama 1940, which relates to a disqualification for benefits under the unemployment compensation act (5 Code of Alabama 1955 Cumulative Pocket Part 265).

Also:

By Messrs. Grouby, Goodwyn, McCorquodale, Jones (Covington), Faulk, Merrill, Albea, Burnham, Powell, Drake, Meade, Heflin, Carr, Burns, Campbell (Tuscaloosa), Rosey, Inomas, Fite, Holladay, Rast, Stembridge, Branyon, Hankins, Gilmore, Pierce, Brown (Tuscaloosa), Rogers, Hogan, Owens, Turner (Limestone), Moore, Scurlock, Turnham, Goldthwaite, Little, McDermott, Engel, Wood, Perry, Bassett, Glass, Camp, Snell, Morrow, Steagall, Cook, Jones (Monroe), Cornett, Young, Cates and Edwards (Escambia):

H. 705. To amend further Section 31 of Title 17, Code of Alabama 1940, relating to examinations of applicants to register.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 607 and 1031 — to the Committee on Finance and Taxation

H. B. 1010 — to the Committee on Judiciary

H. B. 614 — to the Committee on Immigration, Industrial Resources and Labor

H. B. 705 — to the Committee on Privileges and Elections

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Grouby, Branyon, Perry, Powell, Faulk, Turnham, Crawford, Mashburn, Boston, Harper, Fields, Bolton, Beville, Drake:

H. 674. To promote, aid and develop the marketing of fruits and vegetables grown in Alabama by creating the State Agricultural Marketing Commission and prescribing the powers and duties of such Commission; to authorize the establishment of farmer marketing facilities and the operation thereof including its financing and to provide for studies and surveys for the location of marketing facilities; to authorize and provide for an advertising and promotional campaign for Alabama produced fruits and vegetables; to make an appropriation for carrying out the provisions of this Act and to authorize counties and municipalities to appropriate funds for the establishment of any farmers market as may be established under authority of this Act.

Also:

By Mr. Crawford:

H. 902. To amend Section 6 of Act No. 207, S. 14, Regular Session 1945, an act establishing the school of dentistry of the University of Alabama (General Acts 1945, p. 323), in relation to scholarships.

Also:

By Mr. Crawford:

H. 903. To amend Section 6 of Act No. 89, S. 35, Regular Session 1943, an act establishing the medical college of Alabama (General Acts 1943, p. 89), in relation to scholarships.

Also:

By Messrs. Goodwyn, Pierce, Perry, Hawkins, Collins, Gilmore, Rast, Etheredge, Morrow, Locke, Bethea (M), Sessions, Vacca, Meeks, Bowers, Bailes, Dominick, Bethea (B) and Brown (Jefferson):

H. 976. To authorize the Director of Finance, the Director of the State Planning and Industrial Development Board, the State Treasurer and the Executive Secretary to the Governor to become a public corporation for the purpose of acquiring land for, and erecting, constructing, maintaining, operating and leasing thereon, a products market, exhibition halls, buildings and other related structures and facilities in Jefferson County, Alabama, where products and goods may be displayed to encourage the buying and selling of such products and goods, to encourage the expansion of existing industries in Alabama, to encourage the location of new industries in Alabama and to foster and encourage the growth of the general economy of Alabama; to provide the procedure for incorporation and to designate the members, directors and officers of the Authority; to provide for the establishment in Jefferson County, Alabama, of a products market to be known as the Southern Products Mart Authority; to prescribe the powers of the Authority, including the power to acquire real estate and to acquire, erect, construct, insure, maintain, manage, operate, and lease thereon, facilities, buildings, warehouses, storage facilities, exhibition halls,

parking areas and other structures and appurtenances of every kind and character used or useful by the Authority for its purposes, to exercise the power of eminent domain, and the power to sell and issue not exceeding five million dollars principal amount of bonds for such purposes; to specify certain provisions to be contained in the bonds and the execution and sale of such bonds; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues, receipts and income of the Authority and shall not create an obligation or debt of the State or any political subdivision thereof other than the Authority; to provide that any bonds issued by the Authority may be used as security for the deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to specify the application of the revenues, receipts and income of the Authority; to provide for the construction and equipment of the buildings and facilities of the Authority; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues, receipts and income from its facilities as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues, receipts and income which filing will constitute notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to or by any person as defined in the act, including the state or any political subdivision thereof, any agency or board of the state, any municipality or body politic, of space for occupancy on the premises or in the buildings or other structures of the Authority; to provide for the audit of books and accounts of the Authority; to provide for competitive bidding on construction contracts; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; to provide for and limit remedies in the event of any default; to provide for dissolution of said Authority and conveyance of its assets and properties to the state upon payment of said bonds; to provide that the provisions of this act shall be severable; and to provide for a date upon which this act shall become effective.

Also:

By Mr. Goodwyn:

H. 334. To amend further Code of Alabama 1940, Title 47, Section 131, in relation to recordation of conditional sales contracts and other contracts affecting title to personalty.

Also:

By Mr. Fite:

H. 327. To amend Code of Alabama 1940, Title 51, Section 630, which relates to taxation of lubricating oil and definitions thereof.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 674 — to the Committee on Agriculture

H. B.'s 902 and 903 — to the Committee on Public Health

H. B.'s 976 and 327 — to the Committee on Finance and Taxation

H. B. 334 — to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. McDermott:

H. 974. To amend the title and Section 2 of Act No. 629, H. 1028, Regular Session 1939 (General Acts 1939, p. 997), relating to the issuance of building permits in certain counties classified on a population basis.

Also:

By Messrs. McDermott, Engel and Hogan:

H. 1035. To propose an amendment to the Constitution of Alabama respecting the indebtedness that may be incurred by certain named municipalities in Mobile County.

Also:

By Messrs. Engel, McDermott, Rogers and Hogan:

H. 1039. To authorize the county governing body of those counties having a population of more than 300,000 and less than 500,000 inhabitants to hold elections upon the request of a majority of the members of the legislature representing such county; to provide for the submission to the qualified electors at said election of questions submitted by a majority of the legislative delegation of such county; to provide for the manner and time of holding such elections; to provide for the expenses of such election to be paid out of the general fund of the county; to require the county governing body of certify the results of such election, and to provide that such results shall be advisory only; to provide when this act shall become effective.

Also:

By Messrs. Engel and McDermott:

H. 1036. To amend Section 1 of Act No. 60 adopted at the 1962 Special Session of the Legislature of Alabama so as to make said Act apply to any city of the state having a population of 200,000 or more according to the last or any subsequent federal census.

Also:

By Messrs. Morrow, Perry, Bowers, Rast, Collins, Bailes, Dominick, Meeks, Brown (Jefferson), and Etheredge:

H. 1078. To authorize the Board of Managers of the City of Birmingham Retirement Relief System to transfer \$20,127.81 from said System to The Industrial Water Board of the City of Birmingham for the use and benefit of the Employees Retirement and Relief Plan of said Water Board.

Also:

By Messrs. Scurlock and Bevill:

H. 1052. To provide further for the control, supervision and administration of public schools in Walker County; to fix the qualifications and to provide for the election of a chairman and associate members of the county board of education; to fix their terms of office; to provide for their compensation, and the manner of filling vacancies in office.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF WALKER

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide further for the control, supervision and administration of public schools in Walker County; to fix the qualifications and to provide for the election of a chairman and associate members of the county board of education; to fix their terms of office; to provide for their compensation, and the manner of filling vacancies in office.

Be It Enacted by the Legislature of Alabama:

Section 1. The general supervision and control of the public schools of Walker County shall be vested in a county board of education, which shall consist of a chairman and four associate members.

Section 2. The chairman of the board shall be a resident and qualified voter of any district or beat in the county, a person of good moral character, of good standing in his community, known for his honesty, business ability, public spirit and interest in the good of public education. He shall be nominated and elected by the qualified voters of the entire county; he shall take office on the day following his election and qualification and shall serve for a term of six years and until his successor is elected and qualified.

Section 3. One member of the board shall be a resident and qualified elector of each of the four districts from which members of the county governing body are elected. Each shall be a person of good moral character, of good standing in his community, known for his honesty, business ability, public spirit and interest in the good of public education. One member of the board shall be nominated and elected by qualified

electors of district one; one member shall be nominated and elected by the qualified voters of district two; one member shall be nominated and elected by the qualified electors of district three; and one member shall be nominated and elected by the qualified electors of district four.

Section 4. The incumbent chairman and members of the board shall hold office until their respective terms expire. The successor members of the board to be elected from districts one and three shall be elected at the general election in 1964; the successor members of the board to be elected from districts two and four shall be elected at the general election in 1968; the successor chairman of the board shall be elected at the general election of 1966. The chairman and members shall take office immediately following their election and qualification and each shall serve for a term of six years and until his successor is elected and qualified. Vacancies in office of chairman or associate member of the county board of education shall be filled in the manner prescribed by general law.

Section 5. The members of the board shall be compensated at the rate of fifteen dollars (\$15.00) per diem for attending meetings of the board but not to exceed two meetings in any one month. The chairman of the board shall be compensated at the rate of fifty dollars (\$50.00) per month irrespective of the number of meetings attended.

Section 6. The provisions of Section 5 thereof shall take effect upon the election and qualification of the members of the board elected at the general election in 1964.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF WALKER

Before me, the undersigned authority in and for said County in said State, this day personally appeared Richard Dowis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Daily Mountain Eagle, a newspaper of general circulation published in Walker County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 25, July 2, July 9, and July 16, all in the year 1963.

RICHARD DOWIS,

Sworn to and subscribed before me July 29, 1963.

FAY O'REAR,
Title Notary Public.

Also:

By Mr. NeSmith:

H. 1109. Relating to the sheriff of Blount County; to increase the compensation of deputies sheriff of such county, and providing for the payment thereof out of the county treasury.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

STATE OF ALABAMA
COUNTY OF BLOUNT

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

Relating to the sheriff of Blount County; to increase the compensation of deputies sheriff of such county, and providing for the payment thereof out of the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. The chief deputy sheriff and each of the other deputies of the sheriff of Blount County whose compensation is payable by the county shall each be entitled to receive the sum of fifty dollars (\$50) per month in addition to all other compensation prescribed by law, to be paid in the same manner as their other compensation. ~~Provided, that this Act shall not apply to any deputy of the sheriff who is employed or appointed under authority of a local law enacted after January 1, 1964.~~

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on the first day of the month commencing after the date of this enactment.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BLOUNT

Before me, the undersigned authority in and for said County in said State, this day personally appeared Rice M. Howard, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was editor of the Southern Democrat, a newspaper of general circulation published in Blount County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 11, July 18, July 25, and August 1, all in the year 1963.

RICE M. HOWARD,
Publisher.

Sworn to and subscribed before me August 8, 1963.

MOLLY RYAN,
Title Notary Public.

Also:

By Messrs. Rogers, Edington, Engel and Smith:

H. 931. To further amend Section 4 (a) of act approved September 7, 1955, entitled "An Act to create in any county in this State having a population of not less than 225,000 nor more than 500,000, according to the last or any subsequent Federal decennial census, a domestic relations division of the Circuit Court of such county; defining its jurisdiction and authority; providing it with officers, and prescribing their duties, authority and compensation; regulating its procedure; abolishing the office of judge of the juvenile court in any such counties; and providing that the judge of the domestic relations division of the Circuit Court shall be ex officio judge of the juvenile court" (Act No. 345, S. 291, 1955 Acts Vol. II, p. 783).

Also:

By Mr. Glass:

H. 1110. To repeal Act No. 325, H. 873, Regular Session 1957, an act relating to Butler County (Acts 1957, v. 1, p. 429.)

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF BUTLER

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To repeal Act No. 325, H. 873, Regular Session 1957, an act relating to Butler County (Acts 1957, v. 1, p. 429).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 325, H. 873, Regular Session 1957, entitled "An Act Relating to Butler County; authorizing and directing the court of county commissioners, board of revenue, or like governing body of said county to provide for reimbursing the Judge of the Inferior Court of Butler County the expenses incurred by him in maintaining his office and in the performance of his duties." (Acts 1957, v. 1, p. 429) is hereby expressly repealed.

Section 2. This act shall take effect on the first Monday after the second Tuesday in January, 1965.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BUTLER

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. G. Stanley, who, being by me first duly sworn deposes and says that during the times herein mentioned he was editor and publisher of the Greenville Advocate, a newspaper of general circulation published in Butler County, Alabama and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 18, July 25, August 1, and August 8, all in the year 1963.

J. G. STANLEY,

Sworn to and subscribed before me Aug. 8, 1963.

PAULINE B. FULTON,
Title Notary Public.

Also:

By Mr. Glass:

H. 1111. To amend Section 3 of Act No. 27, H. 213, Regular Session 1951, an act establishing the inferior court of Butler County (Acts 1951, v. 1, p. 235).

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF BUTLER

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 3 of Act No. 27, H. 213, Regular Session 1951, an act establishing the inferior court of Butler County (Acts 1951, v. 1, p. 235).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 27, H. 213, Regular Session 1951, an act establishing the inferior court of Butler County (Acts 1951, v. 1, p. 235), is hereby amended to read as follows:

"Section 3. Judge. (a) A judge of the court herein established shall be elected by the qualified electors of the county at the general election of 1952, and every four years thereafter. His term shall be for four years from the first Monday after the second Tuesday in January next

succeeding his election, and until his successor is elected and qualified. (b) Immediately after the passage of this Act, the Governor shall appoint and commission a judge of the court herein established, who shall hold office until his successor is elected or appointed as provided therein. (c) The judge shall, before entering upon the discharge of the duties of office, take the oath prescribed by Section 279 of the Constitution. He may be removed from office for any cause enumerated in Section 173 of the Constitution and in the manner provided by law. No person shall be eligible for the office of judge unless he is, at the time of his appointment or election, a qualified elector of Butler County, learned in the law, and has been licensed to practice law in this State for two years. The judge and his partner shall not practice law in the court herein established, nor participate in any case appealed from such court, but they shall be free to practice in all other courts and engage in the general practice of law. Any vacancy occurring in the office of judge shall be filled by appointment as provided in Section 158 of the constitution. (d) The judge shall receive an annual salary of \$4,800 payable out of the general fund of the county in equal monthly installments as the salaries of other county officers are paid. (e) The judge shall have authority to: (1) grant writs of certiorari, supersedeas, quo warrant, mandamus, and all other remedial and original writs which are granted by the circuit judges; (2) grant writs of injunctions and ne exeat; (3) administer oaths and take acknowledgments; (4) issue search warrants; (5) exercise such other powers, jurisdiction, or authority as may now or hereafter be conferred by law upon circuit judges, judges of juvenile and county courts, and justices of the peace. Provided, however, the judge shall not have or exercise the powers, jurisdiction, or authority of equity courts except in suits involving the custody of children. (f) The judge shall be provided, at the expense of the county, with such office supplies, stationery, stamps, and other materials as may be necessary for the transaction of the business of the court. (g) In the event the judge is disqualified or unable to act, a special judge shall be appointed as provided in Section 160 of the Constitution and Section 124 of Title 13 of the 1940 Code."

Section 2. This Act shall be effective from the first Monday after the second Tuesday in January, 1965.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF BUTLER

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. G. Stanley, who, being by me first duly sworn deposes and says that during the times herein mentioned he was editor and publisher of the Greenville Advocate, a newspaper of general circulation published in Butler County, Alabama and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 18, July 25, August 1, and August 8, all in the year 1963.

J. G. STANLEY,

Sworn to and subscribed before me Aug. 8, 1963.

PAULINE B. FULTON,
Title Notary Public.

Also:

By Messrs. Albea, Burnham, and Merrill:

H. 1112. To provide for the collection and enforcement by the state department of revenue of certain privilege license taxes levied or assessed by the city of Anniston, Calhoun County.

Also:

By Messrs. Albea, Burnham, and Merrill:

H. 1113. Relating to counties having a population of not less than 70,000 nor more than 96,000 inhabitants; to authorize county governing bodies to provide clerk-hire allowances for the offices of the Judge of the County Court and the Judge of the Juvenile and Domestic Relations Court.

Also:

By Messrs. Albea, Burnham, and Merrill:

H. 1114. Relating to counties having populations of not less than 70,000 nor more than 96,000 according to the most recent federal decennial census; authorizing the payment of expense allowances to certain judges in such counties.

Also:

By Mr. Casey:

H. 1115. Relating to Cleburne County, regulating the purchase, sale, and exchange of property for the county and providing for and requiring competitive bidding on certain contracts, prescribing penalties.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF CLEBURNE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Cleburne County, regulating the purchase, sale, and exchange of property for the county and providing for and requiring competitive bidding on certain contracts, prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Subject to the supervision, regulation, and control of the court of county commissioners board of revenue, or other like governing body of Cleburne County, and any rules and regulations which such body may promulgate from time to time in exercising its authority under this Act, all purchases for the county shall be made by such county governing body or its duly authorized agent. And the probate

judge, as chairman of the county commissioners court, shall function as purchasing agent without additional compensation. The provisions of this Act shall have application to all purchases made by or for Cleburne County, whether such purchases are made by the county governing body as such or by its purchasing agent. The purchasing agent shall make all purchases of supplies, materials, equipment, and contractual services (which term as used in this Act shall not include purchase of insurance or contracts for professional or other personal services) for the county; and, subject to the approval of the court of county commissioners, board of revenue, or other like governing body of the county, may promulgate reasonable rules and regulations governing the acquisition of such supplies, materials, equipment, and contractual services.

Section 2. At least three written sealed, competitive bids shall be obtained on all purchases of supplies, materials, equipment, and contractual services when the amount involved is two hundred dollars or more. If the proposed purchase or contract involves an amount less than two hundred dollars, the purchase may be made either on the basis of sealed bids or in the open market. It shall be a violation of this section to divide or otherwise adjust the quantity of a purchase to an amount less than two hundred dollars for the purpose of evading the requirements of this section. Invitations for bids shall be posted on a bulletin board in the county courthouse at least ten days prior to the meeting at which the purchase is to be made. In the amount of the proposed purchase or the proposed contract is in excess of two hundred dollars, written notice by registered mail, with return receipt requested, shall be given to at least three merchants or dealers in the goods or materials to be purchased, where notice is of a contract to be let, to at least three contractors engaged in the type of work contemplated. A copy of such notice or notices, together with the return receipts showing their delivery, must be recorded in and shall become a part of the minutes of the court of county commissioners, board of revenue, or other like county governing body.

All bids received on proposed purchases or contracts shall be opened publicly at the time and place stated in the invitation to bid. The contract or order shall be awarded to the lowest responsible bidder, or all bids may be rejected and the purchase of the contract may be renegotiated if a better price is thereby obtained. The purchasing agent shall obtain information from the Division of Purchases and Stores of the State Department of Finance relative to the items to be purchased by competitive bids; and if the state price is less than the lowest bid received and, if the delivery date is reasonable, all bids shall be rejected and the purchase shall be negotiated through the State Purchasing Agent. All bids, with names of the bidders shall be entered on a permanent record. Each record, with the successful bid indicated thereon, and with reasons for the award if not awarded to the lowest bidder, shall, after the award, be open to public inspection. In the event of a sale, trade, or other disposition of any property of the county of any nature or kind the procedure as outlined herein as it relates to the obtaining of written, sealed, competitive bids shall be followed, and such sale, trade, or disposition of the property of the county shall be made in accordance with the most advantageous offer made.

Section 3. In an emergency a purchase may be made without competitive bids and without obtaining information from the Division of Purchases and stores. However, a full written account of the circumstances necessitating any such emergency purchase, together with a statement describing the item purchased and naming the vendor from whom the item was purchased, shall be at once prepared by the purchasing agent and filed in his office. An emergency, as the term is used herein means a situation where needed equipment of the county

is idle due to lack of parts, supplies, or repairs therefor or when materials or supplies are immediately needed to place in operating condition the road or bridge system of the county which has become impassable or dangerous due to damage or destruction of existing portions thereof. The records of such emergency transactions shall be open to public inspection. The provisions of this Act regarding competitive bidding and obtaining information from the State Purchasing Agent may be waived for purchases of perishable commodities, utility services, machinery repairs, and commodities or services for which there is no competitive situation.

Section 4. In making purchases for the county purchasing agent shall give preference to commodities produced or sold in Cleburne County, provided there is no sacrifice or loss in price or quality.

Section 5. Whoever purchases or disposes of, or attempts to purchase or dispose of property for or on behalf of Cleburne County contrary to the provisions of this Act, or whoever violates any provision of this Act, is guilty of a misdemeanor and upon conviction shall be fined not less than one hundred nor more than one thousand dollars, and in addition may be imprisoned in the penitentiary for one year and one day.

Section 6. The court of county commissioners, board of revenue, or other like county governing body of Cleburne County shall provide the purchasing agent with the quarters, supplies, books, equipment, postage, and assistance necessary for the proper and efficient conduct of his duties.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CLEBURNE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack R. Wood, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of The Cleburne News, a newspaper of general circulation published in Cleburne County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 2, May 9, May 16, and May 23, all in the year 1963.

JACK R. WOOD,

Sworn to and subscribed before me June 12, 1963.

MARY B. BIRCHFIELD,
Title Notary Public.
Cleburne Co., Ala.

Also:

By Mr. Turnham:

H. 1117. To number and designate the places on the board of education of Lee County and to provide for the election of members to such places.

With notice and proof thereto attached and herewith exhibited as follows.

STATE OF ALABAMA
COUNTY OF LEE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To number and designate the places on the board of education of Lee County and to provide for the election of members to such places.

Be It Enacted by the Legislature of Alabama:

Section 1. The places on the board of education of Lee County shall be designated and numbered one through five. The place on the board now held by Dr. Byron S. Bruce shall be designated as Place No. 1. The place on the board now held by Mr. R. F. Blake shall be designated as Place No. 2. The place on the board now held by Mr. W. B. Cogdell shall be designated as Place No. 3. The place on the board now held by Mr. P. Lynch Whatley shall be designated Place No. 4. The place now held by Mrs. Sallye R. Nunn shall be designated Place No. 5. The incumbent members of the board of education shall serve until the expiration of the terms for which they were elected. A person seeking election and qualifying for any vacancy on said board of education shall designate by number the place on such board for which he is a candidate and it shall be so stated on the ballot.

Section 2. Nothing herein shall be construed as effecting any change in the qualifications, method of election, length of terms for which elected, requirements as to domicile, duties, or powers of the board heretofore provided for by law, the purpose of this Act being to require that candidates for election to the board shall qualify for a specific place on the board of education.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LEE

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. C. Wear, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was President of the Opelika Daily News, a newspaper of general circulation published in Lee County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 27, July 4, July 11, and July 18, all in the year 1963.

W. C. WEAR, JR.,

Sworn to and subscribed before me Aug. 1, 1963.

DOROTHY W. MITCHELL,
Title Notary Public.

Also:

By Mr. Turnham:

H. 1118. Relating to Lee County; fixing the pay of jurors, grand and petit.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF LEE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Lee County; fixing the pay of jurors, grand and petit.

Be It Enacted by the Legislature of Alabama:

Section 1. In Lee County, regular jurors, grand and petit, are entitled to ten dollars for each day's services, five cents for each mile traveled in going to and returning from court, and ferriage and toll, to be provided by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate, stating therein the number of days he has served, the number of miles he has traveled, the amount of ferriage and toll he has paid, and the amount of compensation to which he is entitled. The certificate shall be receivable in payment of county taxes, and other county dues, and payable out of the county treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LEE

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. C. Wear, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was President of the Opelika Daily News, a newspaper of general circulation published in Lee County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 15, July 22, July 29, and Aug. 5, all in the year 1963.

W. C. WEAR, JR.,

Sworn to and subscribed before me Aug. 5, 1963.

DOROTHY W. MITCHELL,
Title Notary Public.

Also:

By Mr. Turnham:

H. 1119. Relating to Lee County; providing a monthly expense allowance for the coroner in lieu of mileage.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF LEE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Lee County; providing a monthly expense allowance for the coroner in lieu of mileage.

Be It Enacted by the Legislature of Alabama:

Section 1. In Lee County, the coroner shall be entitled to a monthly allowance of \$50 payable from the county treasury in lieu of mileage as prescribed in Code 1940, Title 11, Section 95. However, such mileage fees as accrue to the coroner must be taxed, collected, and paid in the same manner that sheriff's fees for like services are taxed, collected, and paid, and when collected shall be paid into the county treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LEE

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. C. Wear, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was President of the Opelika Daily News Inc., a newspaper of general circulation published in Lee County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 15, July 22, July 29, and Aug. 5, all in the year 1963.

W. C. WEAR, JR.,

Sworn to and subscribed before me Aug. 5, 1963.

DOROTHY W. MITCHELL,
Title Notary Public.

Also:

By Mr. Drake:

II. 1120. To provide additional compensation for the official court reporter of all judicial circuits composed of only one county having a population of not less than 42,000 nor more than 46,000 inhabitants.

JOHN W. PEMBERTON
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 974, 1035, 1039, 1036, 1078, 1052, 1109, 931, 1110, 1111, 1112, 1113, 1114, 1115, 1117, 1118, 1119, and 1120 — to the Committee on Local Legislation

(The above-numbered Bill, H. B. 1035, was read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 93. To provide for and regulate salaries payable to certain state officers and employees in state service, further amending Code of Alabama 1940, Title 41, Section 152, and repealing laws in conflict herewith.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 317. To amend Section 1 of Act No. 126, Second Special Session 1963, relating to advisory elections in cities having populations of 200,000-300,000; prescribing the form of the statement of the question or proposition to be presented.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 299. Relating to Greene County; authorizing the governing body of the county to provide clerk-hire allowances for certain county officers payable from county funds.

Also:

S. 314. Relating to Blount County; to fix the time of opening and closing the polls in said county.

Also:

S. 315. Relating to Choctaw County; authorizing the court of county commissioners to fix the salary of the first and second deputies sheriff; repealing conflicting laws.

Also:

S. 319. To amend Act No. 217, H. 275, Regular Session 1961 (Acts 1961, p. 244), entitled "An Act To provide for and prescribe the form of government of all cities having populations of not less than 30,000 nor more than 31,500."

Also:

S. 284. Relating to the municipality of Fort Payne in DeKalb County; to alter, re-arrange and extend the boundaries of the City of Fort Payne.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 261. To amend Section 5 of Act No. 31, H. 256, Regular Session 1957 (Acts 1957, v. 1, p. 77), the act providing that the state highway

department shall construct, maintain, and repair the roads and bridges of DeKalb County, in relation to the hours of work and pay of personnel employed in road and bridge work in the county.

Also:

S. 270. To alter, rearrange, extend, and redefine the boundaries and corporate limits of the city of Athens in Limestone County.

Also:

S. 273. To alter, rearrange and extend the boundary line of the City of Northport, in Tuscaloosa County, Alabama:

Also:

S. 276. Relating to Barbour County; relieving the board of registrars of the county from the duty of visiting precincts or voting places in the performance of their duties.

Also:

S. 277. Relating to Barbour County; to regulate further the compensation of the board of registrars of the county.

Also:

S. 286. Relating to counties having populations of not less than 96,000 nor more than 106,000; authorizing certain teachers in the public schools who are over age seventy to be continued in service; and prescribing conditions for their continued employment.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 449. To amend Title 55, Section 343, Code of Alabama 1940 (Recompiled 1958), as amended, making an appropriation for payment of awards by the State Board of Adjustment.

was taken up.

Mr. Shelton offered the following substitute for the Bill, to-wit:

SUBSTITUTE FOR H. B. 449

A BILL TO BE ENTITLED AN ACT

To amend Title 55, Sections 343 and 344, Code of Alabama 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 55, Section 343, as amended, is amended further to read as follows:

"Section 343. There shall be appropriated annually out of the general fund of the State of Alabama, the state insurance fund, the Confederate veteran fund (after payment of all Confederate pensions), the fund of the department of corrections and institutions, the fund of the highway department, or any other fund of the state, to be determined by the board of adjustment, a sufficient amount, not exceeding \$200,000.00 for any year as may be necessary to pay the claims ordered paid by the board of adjustment, and its expenses."

Section 2. Code of Alabama 1940, Title 55, Section 344, is hereby amended to read as follows:

"Section 344. The purpose of this article is to provide a method of payment by the state of Alabama or any of its agencies, commissions, boards, institutions or departments to persons for injuries to person or property or for death occasioned by the state of Alabama, or any of its agencies, commissions, boards, institutions or departments, where in law, justice or good morals the same should be paid. A claimant shall have the right to file and prosecute his claim before the board in person or by counsel or agent of his own choice, whether such agent be licensed to practice law or not."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 26; Nay 1.

Yeas:

Messrs.	Cooper	Horton	Reynolds
Adams	Eddins	James	Robison (Pickens)
Allen	Evans	Lolley	Shelton
Bentley	Gilchrist	Lowe	Smith
Brannan	Givhan	Mathews	Taylor
Carter	Hammond	McCain	Tyson
Clark	Hornsby	Metcalf	—26

Nay:

Mr. Wilson —1

Mr. Gilchrist then offered the following amendment to the Bill, H. B. 449, as amended by the substitute, to-wit:

AMENDMENT TO H. B. 449, AS AMENDED

Amend Section 1 by adding at the end thereof the following:

"It is further provided that all claims shall be acted upon and paid in the order of their filing, it being the intention of the Legislature that claims previously filed shall have priority in payment of all claims subsequently filed."

On motion of Mr. Cooper, said amendment was laid on the table.

Yeas 17; Nays 11.

Yeas:

Messrs.	Givhan	Metcalf	Shelton	
Adams	James	Montgomery	Smith	
Allen	Lolley	Nichols	Taylor	
Clark	Lowe	Reynolds	Wilson	
Cooper	Mathews			—17

Nays:

Messrs.	Dumas	Gilchrist	Roberts	
Bentley	Eddins	Hornsby	Robison (Montgomery)	
Carter	Evans	McCain	Robison (Pickens)	—11

And said Bill, H. B. 449, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 24; Nays 3.

Yeas:

Messrs.	Eddins	Lowe	Robison (Montgomery)	
Adams	Evans	Mathews	Robison (Pickens)	
Allen	Gilchrist	Metcalf	Shelton	
Bentley	Givhan	Montgomery	Smith	
Carter	James	Nichols	Taylor	
Clark	Lolley	Reynolds	Wilson	
Cooper				—24

Nays:

Messrs.	Dumas	Hornsby	Roberts	—3
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REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, had compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 246. Proposing a constitutional amendment relating to the City of Bayou La Batre in Mobile County.

CHARLES A. MONTGOMERY,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

REPORT FROM RULES

The Rules Committee reported the following Resolution, to-wit:

S. R. 46 — BE IT RESOLVED by the Senate that the following shall be the special, paramount and continuing order of business today immediately following completion of Senate Resolution No. 40 superseding all and any prior special, paramount and continuing orders of business:

H. 541	p. 89
S. 334	p. 58
S. 117	p. 13

Mr. McCain offered the following amendment to the Resolution, to-wit:

AMENDMENT TO S. R. 46

Amend S. R. 46 by adding thereto the following:

“all local bills and general bills of local application in the order they appear on the calendar.”

which was adopted.

And said Resolution, as thus amended, was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 494. Relating to contractors bidding on highway work submitting a check or bid bond with their bid as a proposal guaranty.

Was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Carter	Hammond	Metcalf	Shelton
Clark	Hornsby	Montgomery	Smith
Cooper	Horton	Nichols	Taylor
Dumas	James	Oden	Wilson
Eddins	Lolley		

—29

Nays:

—0

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Metcalf, further consideration of the Bill, S. B. 281, was indefinitely postponed by the Senate.

On motion of Mr. Horton, further consideration of the Bill, S. B. 240, was indefinitely postponed by the Senate.

On motion of Mr. Bentley, further consideration of the Bill H. B. 611, was indefinitely postponed by the Senate.

On motion of Mr. Cooper, further consideration of the Bill, S. B. 355, was indefinitely postponed by the Senate.

On motion of Mr. Lolley, further consideration of the Bill, S. B. 211, was indefinitely postponed by the Senate.

On motion of Mr. Givhan, further consideration of the Bills, S. B. 69 and S. B. 222, was indefinitely postponed by the Senate.

On motion of Mr. Evans, further consideration of the Bill, S. B. 162, was indefinitely postponed by the Senate.

On motion of Mr. Reynolds, further consideration of the Bill, S. B. 33, was in definitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 541. To raise revenue; imposing a privilege or license tax on persons, firms, and corporations engaged in the business of performing certain contracts; fixing the rate of the tax and providing for collection, enforcement, and distribution thereof.

Was read a third time at length and passed.

Yeas 21; Nays 7.

Yeas:

Messrs.	Eddins	Lolley	Roberts
Adams	Evans	Mathews	Smith
Allen	Givhan	Metcalf	Taylor
Carter	Hornsby	Nichols	Tyson
Clark	Horton	Oden	Wilson
Cooper	James		

—21

Nays:

Messrs.	Gilchrist	Montgomery	Robison (Pickens)
Bentley	McCain	Robison (Montgomery)	Shelton

—7

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 94. To amend Act No. 248, H. 87, Regular Session 1955 (Acts 1955, v. 1, p. 586), an act levying a state lodgings tax, so as to increase the rate of the tax and to provide further for the distribution of revenue derived therefrom.

Also:

H. 358. To make an appropriation the State Superintendent of Education for the purpose of contracting with Tuskegee Institute for

undergraduate and graduate instruction of Alabama residents in engineering, veterinary medicine, nursing, home economics and agriculture.

Also:

H. 415. To prescribe certain rules of procedure, pleading, and practice relating to the joinder of parties and the rendition of judgment in certain courts in Marion County, Alabama.

Also:

H. 42. To authorize and make provision for the incorporation of Airport Authorities as public corporations for the purpose of acquiring, constructing, enlarging, equipping, improving, maintaining, developing and operating airports, heliports, airport buildings and facilities, including officers, hangars and facilities for airlines, and of constructing, acquiring, establishing, improving, extending, enlarging, reconstructing, equipping, maintaining, repairing and operating buildings, structures and facilities suitable for use as manufacturing plants, industrial plants, retail shopping areas or centers, parks, exhibits, exhibitions or for the conduct of any lawful business, at, upon, or adjacent to any airport, heliport or aircraft landing area owned or operated by any such Authority and leasing or letting such buildings, structures or facilities; to provide that in order for any such Authority to be organized, application must be made to the governing body of one or more counties, cities or town in Alabama, and permission for organization of such Authority must be obtained from each such governing body to which application is made; to provide for the selection of the directors and officers of each such Authority; to specify the powers of each such Authority; to endow each such Authority with eminent domain and zoning powers; to exempt each such Authority from laws, ordinances and regulations relating to zoning or relating to the advertising and award by the State and its departments of construction or purchase contracts; to provide that any county, city, town or other political sub-division, public corporation, agency or instrumentality of this State within this State may aid and cooperate with any such Authority in the planning, undertaking, acquisition, construction and operation of airports, heliports and air navigation facilities and may lend, give, donate, sell, convey or transfer to any such Authority money, property (including existing airports and airport facilities) or any right capable of transfer; to provide that no action or suit shall be brought or maintained against any such Authority or any director thereof for or on account of the negligence of the Authority or director or of its or his agents, servants or employees; to authorize the issuance by each such Authority of interest bearing revenue bonds payable solely out of the revenues of the Authority issuing such bonds; to specify provisions of such revenue bonds issued by any such Authority and to provide that such revenue bonds shall be deemed negotiable instruments; to provide that such revenue bonds issued by any such Authority may be secured by pledge of any of the revenues of the Authority issuing such bonds, whether the Authority's right to such revenues then exist or may thereafter come into existence and by mortgage on any property of any such Authority whether then in existence or thereafter acquired; to provide that such pledge may be provided for in an indenture between the Authority issuing such bonds and a trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which the principal office of the Authority is located and in any other county in which there is located any property of the Authority, the revenues from which are so pledged;

to provide that any such Authority may include in any indenture or resolution authorizing the issuance of such bonds provisions customarily contained in instruments securing evidence of indebtedness; to provide that bonds issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the State or of any county, city or town within the State; to specify the uses to which the proceeds of revenue bonds issued by any such Authority may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by any such Authority and the income therefrom and the property and income of any said Authority; to authorize the investment of any idle funds of any county, city or town within this State in bonds issued by any such Authority; to provide that bonds issued by any such Authority shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by any Authority and specifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 93. To provide for and regulate salaries payable to certain state officers and employees in state service, further amending Code of Alabama 1940, Title 41, Section 152, and repealing laws in conflict herewith.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House Having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 118. Relative to paying tribute to Mr. Thomas Wesley Martin on the occasion of his birthday.

Also:

H. J. R. 119. Relative to designating the "Ellison-Ayres Highway."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions; the titles of which are set out in the foregoing message from the House.

REPORT OF COMMITTEE ON

ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, had compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 261. To amend Section 5 of Act No. 31, H. 256, Regular Session 1957 (Acts 1957, v. 1, p. 77), the act providing that the state highway department shall construct, maintain, and repair the roads and bridges of DeKalb County, in relation to the hours of work and pay of personnel employed in road and bridge work in the county.

Also:

S. 270. To alter, rearrange, extend, and redefine the boundaries and corporate limits of the city of Athens in Limestone County.

Also:

S. 273. To alter, rearrange and extend the boundary line of the City of Northport, in Tuscaloosa County, Alabama:

Also:

S. 276. Relating to Barbour County; relieving the board of registrars of the county from the duty of visiting precincts or voting places in the performance of their duties.

Also:

S. 277. Relating to Barbour County; to regulate further the compensation of the board of registrars of the county.

Also:

S. 284. Relating to the municipality of Fort Payne in DeKalb County; to alter, re-arrange and extend the boundaries of the City of Fort Payne.

Also:

S. 286. Relating to counties having populations of not less than 96,000 nor more than 106,000; authorizing certain teachers in the public schools who are over age seventy to be continued in service; and prescribing conditions for their continued employment.

Also:

S. 299. Relating to Greene County; authorizing the governing body of the county to provide clerk-hire allowances for certain county officers payable from county funds.

Also:

S. 314. Relating to Blount County; to fix the time of opening and closing the polls in said county.

Also:

S. 315. Relating to Choctaw County; authorizing the court of county commissioners to fix the salary of the first and second deputies sheriff; repealing conflicting laws.

Also:

S. 317. To amend Section 1 of Act No. 126, Second Special Session 1963, relating to advisory elections in cities having populations of 200,000-300,000; prescribing the form of the statement of the question or proposition to be presented.

Also:

S. 319. To amend Act No. 217, H. 275, Regular Session 1961 (Acts 1961, p. 244), entitled "An Act To provide for and prescribe the form of government of all cities having populations of not less than 30,000 nor more than 31,500."

CHARLES A. MONTGOMERY,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

BILLS ON THIRD READING RESUMED

The Bill:

S. 334. To provide an appropriation of funds which are available to the Division of Employment Security of the Alabama Department of

Industrial Relations out of funds credited to this State's account in the Unemployment Trust Fund by the Secretary of the Treasury of the United States of America, pursuant to Section 903 of the Social Security Act, as amended, for the purpose of acquiring land or lands adjoining or adjacent to the building now being built by the State of Alabama on the north side of Monroe Street in the City of Montgomery to be occupied by the Division of Employment Security of the Department of Industrial Relations of the State of Alabama, said land or lands to be used for automobile parking purposes by employees of the said Division of Employment Security.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.	Evans	McCain	Robison (Montgomery)
Adams	Gilchrist	Metcalf	Robison (Pickens)
Allen	Givhan	Montgomery	Shelton
Bentley	Hammond	Nichols	Smith
Clark	James	Reynolds	Taylor
Cooper	Lolley	Roberts	Tyson
Eddins	Mathews		

—25

Nays:

—0

The Bill:

S. 117. Relating to administration of the Department of Industrial Relations; prescribing the salary of the executive assistant director of said department.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 22; Nays 2.

Yeas:

Messrs.	Cooper	James	Roberts
Adams	Eddins	Lolley	Robison (Montgomery)
Allen	Evans	Metcalf	Smith
Bentley	Givhan	Montgomery	Taylor
Carter	Hammond	Nichols	Tyson
Clark	Hornsby	Reynolds	

—22

Nays:

Messrs.	Robison (Pickens)	Shelton
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—2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Mr. Goodwyn:

H. J. R. 124. WHEREAS the Honorable Thomas Clarence Stone of North Carolina, outstanding exponent of states rights and constitutional government, is a well known figure and noted speaker; and

WHEREAS the accomplishments of Senator Stone have long been recognized in his native state, having been a former commissioner and mayor of his home town of Stoneville, a past president of the Rockingham County Clubs of Young Democrats and a member of the Rockingham Democratic Executive Committee, a representative in the North Carolina General Assembly for some twelve years, a State Senator for two terms, and currently serves as president of the Senate in the General Assembly; and

WHEREAS Senator Stone is a gentleman of many and varied interests, being a graduate of Davidson College, having been secretary and treasurer of the Stoneville Wholesale Grocery Company, and operator of his own insurance company, and having a practical working knowledge of the modern business world as well as being highly versed in the knowledge and skills of the legislative halls; and

WHEREAS Senator Stone is a man of uncommon ability and personal charm whose practical words of wisdom, we feel, would be of great benefit to us in these trying times; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That Senator Thomas Clarence Stone be invited to address a joint session of the Alabama Legislature at a time to suit his convenience.

JOHN. W. PEMBERTON,
Clerk,

HOUSE MESSAGE

On motion of Mr. Nichols, the Rules were suspended and the Resolution, H. J. R. 124, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 10. To amend Section 2 of Act No. 231, H. 513, Regular Session 1961 (Acts 1961, v. 1, p. 263) relating to counties having populations of not less than 76,000 nor more than 96,000.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Hammond	McCain	Robison (Pickens)
Brannan	Hawkins	Metcalf	Shelton
Carter	Hornsby	Montgomery	Smith
Clark	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

Nays:

—0

The Bill:

H. 543. To Amend Further an Act Approved November 4, 1950, entitled "An Act to Create a Board of Revenue for Jackson County; Providing its powers and duties and for compensation of its members; prescribing penalties for violations of this Act; and abolishing the Court of County Commissioners of Jackson County" (Acts of Alabama 1950-51, Vol. 1, P. 126) so as to Duly Authorize the Board of Revenue to Employ Clerical Help.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Horton	Nichols	Taylor
Carter	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

MOTION TO ADJOURN TO TIME CERTAIN

Mr. Mathews moved that when the Senate adjourns to-day, it adjourn to meet again Tuesday, August 20, 1963 at 12 o'clock noon, which was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

S. 180. To amend further Section 713 of Title 7, Code of Alabama 1940, which relates to the printing and publishing of legal advertisements.

was taken up.

Mr. Carter offered the following substitute for the Bill, to-wit:

SUBSTITUTE FOR S. B. 180

A BILL TO BE ENTITLED AN ACT

To amend further Code of Alabama, Title 7, Section 713, in relation to newspaper publication of legal advertisements.

Be It Enacted by the Legislature of Alabama:

Section 713 of Title 7, Code of Alabama 1940, as amended, is amended further to read as follows:

"Section 713. The party in interest or at whose instance the publication of notice is to be given by advertisement in a newspaper may designate the newspaper in which such advertisement shall be made. If the officer charged with the duty of making the advertisement disregards such designation, and makes advertisement in some other paper, he must pay the cost thereof, and shall not be entitled to reimbursement. But all publications required by any law or mortgage or other contract to be published in a newspaper must be printed in whole or in part and published in the county in which the advertisement is published and must be published in a newspaper printed in the English language which has a general circulation in the county in which it is published, which newspaper shall have been mailed under the second class mailing privilege of the United States post office department from the post office where it is published for fifty-two consecutive weeks. Provided, that if there is no newspaper printing plant in the county where the advertisement is published, the printing may be done in another county in the state of Alabama. In all counties having populations of not less than 42,000 nor more than 46,000, according to the most recent federal decennial census, the publication of any notice required by law or mortgage or other contract to be published in a newspaper may be published in any newspaper printed in the English language which has general circulation in the county, regardless of where the paper is printed, if the principal editorial office of the newspaper is located within the county. In all counties having populations of not less than 46,500 nor more than 48,000, and in counties having populations of not less than 36,000 nor more than 36,600, according to the most recent federal decennial census, the publication of any notice required by law or mortgage or other contract to be published in a newspaper may be published in any newspaper printed in the English language which has general circulation in the county, regardless of where the paper is printed, and without regard to the number of weeks the newspaper has been mailed under the second class mailing privilege of the United States post office department, if the principal editorial office of the newspaper is located within the county."

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.	Dumas	James	Robison (Montgomery)
Adams	Eddins	Lolley	Robison (Pickens)
Allen	Evans	Mathews	Smith
Bentley	Gilchrist	McCain	Taylor
Carter	Hammond	Metcalf	Tyson
Cooper	Hornsby	Reynolds	

—22

Nays:

—0

And said Bill, S. B. 180, as thus amended by the substitute, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	Metcalf	Shelton
Brannan	Hornsby	Montgomery	Smith
Carter	Horton	Nichols	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 306. To authorize the county governing body of every county in Alabama, which has a population of not less than 22,550 nor more than 24,550 according to the last or any subsequent federal decennial census, to fix the compensation of the clerk employed by the sheriff, but paid from the county treasury, within limits prescribed in this act and provide for the payment thereof in whole or in part out of the county highway and traffic control fund or out of the general fund.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	Lowe	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hornsby	Montgomery	Smith
Clark	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 695. Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the 1960 or any subsequent federal decennial census; authorizing the court of county commissioners, board of revenue or like governing body of such counties to appropriate public funds of the county for payment of certain equitable and just claims for which the county is not legally liable.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Reynolds
Adams	Gilchrist	Mathews	Roberts
Allen	Givhan	McCain	Robison (Montgomery)
Bentley	Horton	Montgomery	Robison (Pickens)
Cooper	James	Nichols	Tyson
Dumas	Lolley	Oden	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 702. To amend Section 2 of Act No. 139, H. 90, First Special Session 1956, an act relating to the office of circuit solicitor of the thirty-first judicial circuit of Alabama.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	Metcalf	Shelton
Brannan	Hornsby	Montgomery	Smith
Carter	James	Oden	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 740. To abolish the DeKalb County Hospital Association and Hospital Board now existing as two hospital boards, or Associations, DeKalb County, Alabama, and to establish in lieu thereof in DeKalb County, Alabama, a DeKalb County Hospital Commission to be known as the DeKalb County Hospital Commission. To provide for the election of the members of said Commission to fix their term of office, and to define the powers and duties of such Commission, and to fix the compensation of the members thereof, and to provide for a referendum on the adoption of this Act, and the machinery for voting on said Act in said referendum.

was taken up.

The Standing Committee on Local Legislation reported the following substitute for the Bill, to-wit:

SUBSTITUTE FOR H. B. 740

A BILL TO BE ENTITLED AN ACT

Relating to DeKalb County; providing further for the construction, operation, management and control of county hospitals; abolishing the DeKalb County Hospital Association and the DeKalb County Hospital Board and establishing in lieu thereof a county hospital commission, subject to approval by the qualified electors of the county; providing for a referendum and for election of members of the commission; prescribing the powers, duties, and authority of the commission and its members; conferring on the commission the powers and authority of the abolished corporations and certain authority with respect to the issuance and sale of securities; imposing duties upon the DeKalb County Commission in regard to the referendum election.

Be It Enacted by the Legislature of Alabama:

Section 1. The DeKalb County Hospital Association created under the authority of an act of the Legislature of Alabama approved July 17, 1945 (General Acts 1945, p. 332) and the DeKalb County Hospital Board established under an act of the Legislature of Alabama approved June 2, 1949 (Acts 1949, p. 69), as amended, shall be abolished, subject to approval of the qualified electors of DeKalb County who vote in favor thereof at a referendum election hereinafter provided for.

Section 2. The DeKalb County Commission, or other like governing body of DeKalb County, shall provide for holding a referendum on the first Tuesday after the expiration of three months from final adjournment of the 1963 Regular Session of the Legislature, for the purpose of determining whether the qualified electors of the county are in favor of having the DeKalb County hospitals operated and maintained by the DeKalb County Hospital Commission provided for in this Act. On the ballots to be used at the referendum the question shall be stated substantially as follows: "Do you favor having a hospital commission composed of five members elected by the people of DeKalb County exercise jurisdiction over the construction, repair, operation and maintenance of the public hospitals of DeKalb County? Yes () No ()."

Notice of the referendum shall be given by the DeKalb County Commission by publication in a newspaper of general circulation in the county at least one time before the date of the election, which publication shall be made not less than 10 nor more than 30 days before the election.

The referendum shall be held and conducted by the election officers appointed to hold the election on proposed constitutional amendments on the same day, and the referendum shall be held and conducted and the results tabulated and canvassed in the same way as provided for conducting elections on amendments to the Constitution. The DeKalb County Commission or other like governing body of DeKalb County shall pay for the election supplies and pay the other expenses of the election out of the general funds of the county. Also, on the same date the referendum is held, an election shall be held for members of the commission.

Any qualified elector desiring to become a candidate for election as a member of the hospital commission may do so, if he is qualified by residence within the district as prescribed in this Act, by filing a statement of his candidacy in the office of the probate judge not less than 60 days before the election. This election shall be called and provided for by the DeKalb County Commission, and shall be held and conducted in the same way as elections for other county officers. The candidate who receives a plurality of all the votes cast for the office voted on shall be elected.

If a majority of the qualified electors who vote therein vote "no" in the referendum, this Act shall have no further effect. However, if a majority of the votes cast at the referendum are "yes," this Act shall become fully operative.

Section 3. There shall be established, in lieu of the DeKalb County hospital board and the DeKalb County hospital association, a county hospital commission, to be composed of five members, who shall be qualified electors of DeKalb County and residents thereof at the time of their election and during their continuance in office. The commission shall be designated and known as the DeKalb County Hospital Commission.

Section 4. One member of the commission shall be a qualified elector of and reside in each of the districts of the county for which county commissioners are elected. One member may reside anywhere in the county, but all members shall be elected by the qualified electors of the county at large. The members of the commission first elected as provided in this Act, shall take office on the day after their election, and their successors shall be elected at the general election of state and county officers elected in November 1966, and every fourth year thereafter. The members shall qualify by taking the oath of office prescribed by law for other county officers.

Section 5. The DeKalb County Hospital Commission shall have the power and authority to direct and control the property and all assets, and monies of every kind or character now existing in DeKalb County, Alabama, for public hospitals owned by DeKalb County, Alabama, or which may be established in the future, and which may be operated in DeKalb County, Alabama, under the general laws of the State of Alabama; the DeKalb County Hospital Commission shall have all jurisdictions and powers which are or may hereafter be by law provided for the operation of public hospitals in DeKalb County, Alabama; and the members of the DeKalb County Hospital Commission shall perform all the duties and services and exercise all the powers which are or may be provided by law for the operation of public hospitals in the State of Alabama, or DeKalb County, and generally shall have the general supervision and control of all hospitals of a public nature and established according to law as public nonprofit hospitals in DeKalb County, Alabama.

Section 6. Immediately after their election the members of the DeKalb County Hospital Commission shall meet and organize and elect a presiding officer and secretary of said commission and do any and all other acts as may be necessary to take over the operation of all public nonprofit hospitals in DeKalb County, Alabama, and, after consultation with the Medical Association Staff, adopt rules and regulations, for the operation of the said DeKalb County hospitals; and the DeKalb County Hospital Commission shall meet at least one time each month on the first Monday in each month or such other times as the President of said commission may deem expedient for the transaction of the business of the DeKalb County hospitals.

All property heretofore held by the DeKalb County Hospital Association and the DeKalb County Hospital Board, including money, shall after the approval of this Act, as provided herein, be administered by the DeKalb County Hospital Commission created by this Act, and all persons holding or who may have charge of such property are authorized and directed to turn it over to the duly authorized employees of the DeKalb County Hospital Commission as directed by said commission; and all legal obligations, debts, or bond issues now outstanding, or which may be outstanding on the effective date of this Act, of the DeKalb County Hospital Association, or DeKalb County Hospital Board, shall be assumed by the DeKalb County Hospital Commission, and shall be obligations of said Commission and shall be paid by it.

Section 7. The said DeKalb County Hospital Commission is hereby granted full authority to operate and construct hospitals as authorized by law in and for DeKalb County, Alabama, or otherwise acquire buildings to be used in the operation of the hospitals, receive gifts of money or equipment to be used in the construction and operation of the hospitals, appoint an administrator for the hospitals, or if the DeKalb County Hospital Commission deems it advisable, it may contract, hire or let out to any society, organization, association or agency,

and make payments to said society, organization, association or agency for the care of indigent or charity patients, and the DeKalb County Commission may appropriate such funds authorized by law for care of indigent patients.

The DeKalb County Hospital Commission shall prepare an annual budget and make a report to the governing body of DeKalb County, Alabama, which said report shall include a list of the employees and the salaries of each, on January 1, of each year.

Section 8. The DeKalb County Commission or other governing body of DeKalb County, Alabama, is hereby authorized and directed to transfer and convey to the DeKalb County Hospital Commission the proceeds of the special county tax for public hospital purposes, which may be hereafter collected or provided for. Said tax shall be paid over to the DeKalb County Hospital Commission and shall be used by the DeKalb County Hospital Commission for any one or more of the purposes for which the tax shall have been voted; provided that payment of the proceeds of said tax to said DeKalb County Hospital Commission shall be made only to such extent as will not result in the impairment of the obligations of any contract heretofore made with respect to said tax, and that the tax collector of DeKalb County, Alabama, shall collect such special county tax in the same manner under the same requirements and laws as taxes of the state are collected, and shall keep said amount separate and apart from all other funds, and shall keep a clear and distinct account thereof, and shall turn the same over to the DeKalb County Hospital Commission, whose duty shall be to receipt therefor.

Section 9. The DeKalb County Hospital Commission may anticipate the proceeds from any special county tax required to be paid to it, in accordance with the provisions of this Act or any other law applicable thereto, by issuing securities for any one or more of the purposes for which the tax shall have been voted, and may pledge for the payment of the principal thereof and interest thereon, not exceeding seventy-five percent of the annual proceeds from said tax so paid to it. All securities issued hereunder shall be payable from the proceeds of the special tax in respect of which they were issued and from such other funds of the DeKalb County Hospital Commission as the commission may determine, but this provision shall not prohibit payment of the securities from any other funds which may be available therefor under any other provision of law; provided, however, that in no event shall such securities be payable from such other funds if the effect thereof shall be to subject such securities to any constitutional debt limit or to any constitutional requirement that they may be authorized by vote of the qualified voters. Said securities shall be the obligation only of the DeKalb County Hospital Commission issuing the same, in accordance with the terms of such securities. DeKalb County shall, in no event, be liable for any obligation created by DeKalb County Hospital Commission or by issuance of securities thereby, nor shall said securities be construed to be an indebtedness of or against DeKalb County, Alabama, or a political subdivision thereof. All securities issued hereunder shall have preference over claims for salaries or other operating expenses, or any other purposes of the hospitals. All pledges of said tax and all contracts made with respect thereto shall take precedence in the order in which they are made, and create a charge on the proceeds of said tax prior to the expense of operation and maintenance of the DeKalb County hospital facilities.

Section 10. Securities issued under the authority of this Act may contain such other terms, provisions, conditions, limitations and agreements, not inconsistent with the provisions of this Act, as the

DeKalb County Hospital Commission shall deem advisable, including, but not limited to a pledge of all or any part of the revenues of the DeKalb County Hospital Commission and payment of the securities and a mortgage of all or any part of the property, real or personal, or any interest therein, of the DeKalb County Hospital Commission, including the property acquired, or to be acquired from the proceeds of the securities being issued, if any, as security for the payment of the principal of and interest on the securities, provided that no such mortgage or pledge shall be construed so as to permit the foreclosure thereof. If any mortgage is required or provided for any securities issued under the provisions of this Act, same shall be authorized and executed by the DeKalb County Commission on behalf of the DeKalb County Hospital Commission, if same is expedient or necessary.

Section 11. Securities of the DeKalb County Hospital Commission may be executed and delivered by it at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent herewith, and shall bear such rates of interest payable and evidenced in such manner as may be provided by resolution of the DeKalb County Hospital Commission providing for their issuance. Such securities shall be payable at such place or places, either within or without the State, that shall be prescribed in the resolution of the DeKalb County Hospital Commission, providing for their issuance. Such securities and any interest coupons applicable thereto, shall be executed in such manner and shall be substantially in the form provided for in the authorizing resolution. Any securities issued by the DeKalb County Hospital Commission may thereafter, or any time, whether before, at, or after maturity thereof, and from time to time, be refunded by the issuance or sale or exchange or refunding securities. All bonds and notes issued by the DeKalb County Hospital Commission shall be construed to be negotiable instruments, although payable solely from a specific source. All securities issued by the DeKalb County Hospital Commission, the income therefrom, and all mortgages and other instruments executed as security thereof shall be exempt from all taxation in the State of Alabama.

Section 12. All securities issued hereunder may be sold, either at public or private sale, in such manner and from time to time, as may be determined by the DeKalb County Hospital Commission to be most advantageous. The DeKalb County Hospital Commission may pay all expenses, premiums, commissions and attorneys' fees which it may deem necessary or advantageous in connection with any financing or proposed financing done by it.

Section 13. Unless otherwise directed by the court having jurisdiction thereof, and by the document which is the source of authority, a fiduciary may, with the exercise of reasonable business prudence, invest trust funds in the securities of DeKalb County Hospital Commission for payment of the principal of and interest on which the proceeds of any ad valorem, excise or license or privilege tax are pledged.

Section 14. Securities reciting that they are issued pursuant to the terms of this Act shall in any action or proceedings involving their validity be conclusively deemed to be fully authorized thereby and to have been issued, sold, executed and delivered in conformity therewith and with all the other provisions of law applicable thereto, and shall be incontestable. Anything herein or any other statute to the contrary notwithstanding, unless such action or proceedings is begun before or within ninety days after date upon which the securities are delivered and paid for, and no irregularity in the proceedings to authorize the issuance of said securities hereunder nor the omission or neglect of any other officer charged with the execution of any duties imposed by this Act, shall affect the validity of any securities issued hereunder.

Section 15. The DeKalb County Hospital Commission may, before the issuance of any securities, determine the authority of the DeKalb County Hospital Commission, to issue such securities and the legality of all proceedings had or taken in connection therewith, and the validity of this Act or other means provided for the payment thereof, and the validity of all pledges of revenue and all covenants and provisions contained in any resolution authorizing the securities, and proceedings instituted and conducted in accordance with law, as the same is provided in this Act, and as said Act may be amended from time to time, or in a similar proceedings prescribed by law, but such proceedings shall not be essential to the validity of such securities.

Section 16. A majority of the DeKalb County Hospital Commission shall constitute a quorum for the transaction of business and no funds belonging to the DeKalb County Hospital or hospitals shall be drawn or paid out, except as authorized by the DeKalb County Hospital Commission and a proper list and registry of all sums drawn or paid out and the nature of the claim, and the person in whose favor drawn or paid out, shall be kept and maintained at all times and the books, and accounts of said DeKalb County Hospital Commission shall be audited regularly by the Department of Examiners of Public Accounts, Montgomery, Alabama, and said audit shall be made at least once each year. Said audit shall be filed in the office of the DeKalb County Commission, or such other governing agency of DeKalb County, Alabama, and said audit shall be subject to public inspection; and any technical equipment purchased by the DeKalb County Hospital Commission shall first be approved by the Medical Staff of the hospital for which said equipment is being purchased.

Section 17. That the DeKalb County Hospital Commission shall do and perform all acts and services and shall exercise all powers and functions which are now, or hereafter by law are required or authorized for the operation of public hospitals in DeKalb County, Alabama, and shall be subject to the same privileges and penalties that are provided in said laws.

Section 18. The DeKalb County Hospital Commission shall generally supervise all hospital operations of a public nature in DeKalb County, Alabama, which are owned by DeKalb County, Alabama, and may do any and all acts necessary and expedient for the purpose of maintaining and operating said hospitals.

Section 19. In the employment of the administrator and the operations of public hospitals in DeKalb County, Alabama, the DeKalb County Hospital Commission shall only employ such person or persons as are qualified in hospital administration, and persons who are trained in the field of hospital administration, and the said DeKalb County Hospital Commission is hereby prohibited from employing any person related to a member of said commission within the fifth degree of consanguinity or affinity as an employee of any hospital operated by the said DeKalb County Hospital Commission; and the hospital medical staff shall be consulted in the employment of a hospital administrator.

Section 20. Should any vacancy occur in the DeKalb County Hospital Commission, such vacancy shall be filled by appointment of the DeKalb County Commission, or other governing body of DeKalb County, Alabama, for the unexpired term.

Section 21. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 22. The provisions of this Act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 23. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McCain	Robison (Pickens)
Brannan	Hammond	Metcalfe	Shelton
Carter	Hornsby	Montgomery	Smith
Clark	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

Mr. Hammond then offered the following amendment to the bill, H. B. 740 as amended by the substitute, to-wit:

AMENDMENT TO H. B. 740, AS AMENDED

Strike out Section 7 of the bill as amended and insert in lieu thereof the following:

Section 7. The said DeKalb County Hospital Commission is hereby granted full authority to operate and construct hospitals as authorized by law in and for DeKalb County, Alabama, or otherwise acquire buildings to be used in the operation of the hospitals, receive gifts of money or equipment to be used in the construction and operation of the hospitals, appoint an administrator for the hospitals. If the DeKalb County Hospital Commission deems it advisable, it may contract, hire or let out to any non-profit society, organization, association or agency, and make payments to said society, organization, association or agency, for the care of indigent patients, and the DeKalb County Commission may appropriate such funds authorized by law for care of indigent patients.

The DeKalb County Hospital Commission shall prepare an annual budget and make a report to the governing body of DeKalb County, Alabama, which said report and shall include a list of the employees and the salaries of each, on January 1, of each year.

Also, in Section 4 add the following sentence: The term of office of the members shall be for four years from the day after their election, and until their successors are elected and qualified.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Cooper	Gilchrist	Lolley
Adams	Dumas	Givhan	Lowe
Allen	Eddins	Hammond	Mathews
Bentley	Evans	James	McCain

Nichols	Roberts	Robison (Pickens)	Tyson	
Oden	Robison (Montgomery)	Shelton	Wilson	
Reynolds				—24

Nays:

—0

And said bill, H. B. 740, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts	
Adams	Gilchrist	Mathews	Robison (Montgomery)	
Allen	Givhan	McCain	Robison (Pickens)	
Bentley	Hammond	Metcalf	Shelton	
Brannan	Hornsby	Oden	Smith	
Carter	Horton	Reynolds	Taylor	
Clark				—24

Nays:

—0

The Bill:

S. 337. Relating to Marengo County; providing further for the authority, powers, and duties of city and county boards of education in said county, particularly in relation to the establishment of public schools.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McCain	Roberts	
Brannan	Hammond	Metcalf	Shelton	
Carter	Hornsby	Montgomery	Smith	
Clark	Horton	Nichols	Taylor	
Cooper	James	Oden	Tyson	
Dumas	Lolley	Reynolds	Wilson	
Eddins				—24

Nays:

—0

The Bill:

S. 338. Relating to Marengo County; providing for condemnation of any motor vehicle, gun, rifle, or other hunting equipment of persons convicted of night hunting of deer in the county and providing for the disposition of the proceeds of the sale thereof.

was taken up.

Mr. Eddins offered the following amendment to the Bill, to-wit:

AMENDMENT TO S. B. 338

Strike from the title the words "of persons convicted of" and substitute in lieu thereof "used in"

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			—24

Nays:

—0

And said Bill, S. B. 338, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	Metcalf	Shelton
Brannan	Hornsby	Montgomery	Smith
Carter	Horton	Nichols	Wilson
Eddins			—24

Nays:

—0

The Bill:

H. 846. Relating to Sumter County; declaring motor vehicles, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting in the county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state conservation fund.

Was read a third time at length and passed:

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	McCain	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hornsby	Montgomery	Smith
Clark	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			—24

Nays:

—0

The Bill:

H. 847. To alter and rearrange the boundaries of the town of Livingston, Sumter County.

Was read a third time at length and passed:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

MOTION TO ADJOURN LOST

At 5:22 P. M., Mr. Carter moved that the Senate now adjourn, in accordance with motion heretofore adopted, to meet again Tuesday, August 20, 1963 at 12 o'clock noon, which motion was lost.

Yeas 3; Nays 22.

Yeas:

Messrs.	Carter	Cooper	Oden
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—3

Nays:

Messrs.	Evans	McCain	Robison (Montgomery)
Adams	Gilchrist	Metcalf	Robison (Pickens)
Allen	Hammond	Montgomery	Smith
Bentley	Hornsby	Nichols	Taylor
Dumas	James	Reynolds	Tyson
Eddins	Lolley	Roberts	

—22

BILLS ON THIRD READING RESUMED

The Bill:

H. 939. Relating to the fifteenth judicial circuit of Alabama; regulating and prescribing the qualifications of persons engaged in the bail bond business in such circuit; repealing conflicting laws.

Was read a third time at length and passed:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	McCain	Robison (Montgomery)
Brannan	Givhan	Metcalf	Shelton
Carter	Hornsby	Montgomery	Smith
Clark	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 936. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 3, Township 16N, Range 1E.

was taken up.

Mr. Robison (Montgomery) offered the following substitute for the Bill, to-wit:

SUBSTITUTE FOR H. B. 936

A BILL TO BE ENTITLED AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 3, Township 16N, Range 18E.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in the County of Montgomery, and State of Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the County of Montgomery and included in the following described boundaries, to-wit:

Beginning at the point of intersection of the half section line running North and South through Section 10, T16N, R18E, with the North side of the Wares Ferry Road; thence in an Easterly direction along the North side of Wares Ferry Road to the Southeast corner of the Plat of Hilltop Terrace as the same appears of record in the Office of the Judge of Probate of Montgomery County, Alabama, in Plat Book 16, at page 176; thence North along the East boundary of said Plat of Hilltop Terrace 390 feet; thence East 230 feet; thence North 290 feet to the Northeast corner of said Plat, said point being located in the South line of Section 3, T16N, R18E; thence East along the South line of said Section 3 to a point 179.8 feet West of the Southeast corner of said Section 3; thence North and parallel with the East line of said Section 3 a distance of 436.57 feet; thence East 179.8 feet to the East line of said Section 3; thence North along the East line of Section 3 to a point 20 feet East of the Northeast corner of Lot 18, of the Plat of Dalraida, as the same appears of record in the Office of the Judge of Probate of Montgomery County, Alabama, in Plat Book 3, at page 61; thence West 20 feet to the Northeast corner of said Lot 18, of the Plat of Dalraida;

thence West along the North line of said Lot 18 to the East side of Dalraida Road; thence continuing West across Dalraida Road a distance of 50, feet, more or less, to the Northeast corner of Dalraida Park Estates, Plat No. 1, as the same appears of record in the Office of the Judge of Probate of Montgomery County, Alabama, in Plat Book 11, at page 21; thence South along the West line of Dalraida Road and to the South boundary line of the Plat of Honeysuckle Heights, as the same appears of record in the Office of the Judge of Probate of Montgomery County, Alabama, in Plat Book 11, at page 128; thence West along the South boundary of said Plat of Honeysuckle Heights to the half section line running North and South through Section 10, T16N, R18E; thence South along said half section line to its point of intersection with the North side of Wares Ferry Road, being the point of beginning.

Section 2. That all laws or parts of laws in conflict herewith are hereby repealed.

Section 3. That this Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			—24

Nays:

—0

And said Bill, H. B. 936, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	Metcalf	Shelton
Brannan	Hornsby	Montgomery	Smith
Carter	Horton	Nichols	Taylor
Clark			—24

Nays:

—0

The Bill:

H. 820. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits

thereof certain additional territory in Sections 21, 22, 27 and 28, Township 16 North, Range 18 East, Montgomery County, Alabama.

Was read a third time at length and passed:

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	Mathews	Robison (Montgomery)
Brannan	Hammond	Metcalf	Shelton
Carter	Hornsby	Montgomery	Smith
Clark	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			—24

Nays:

—0

The Bill:

H. 580. To fix the compensation of the judge of probate of all counties having a population of not less than 160,000 nor more than 300,000, according to the last or any subsequent federal decennial census, and to regulate the payment of same, and to require the judge of probate to pay into the County Treasury of said county all costs and charges of Court, Fees and Commission authorized by law to be collected by said judge of probate as other moneys belonging to said county are paid.

Was read a third time at length and passed:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Horton	Nichols	Smith
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			—24

Nays:

—0

The Bill:

S. 379. Relating to DeKalb County; fixing the minimum pay for school bus drivers.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Allen	Brannan	Clark
Adams	Bentley	Carter	Evans

Gilchrist	Lowe	Metcalf	Robison (Pickens)
Givhan	Mathews	Montgomery	Shelton
Hammond	McCain	Roberts	Smith
Hornsby	McDow	Robison (Montgomery)	Taylor
Horton			

—24

Nays:

—0

The Bill:

H. 981. To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in all counties having populations of not less than 21,850 nor more than 21,950 according to the 1960 or any subsequent federal decennial census; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

Was read a third time at length and passed:

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	McCain	Robison (Pickens)
Brannan	Hammond	Montgomery	Shelton
Carter	Hornsby	Nichols	Smith
Clark	Horton	Oden	Taylor
Cooper	James	Reynolds	Tyson
Dumas	Lolley	Robison (Montgomery)	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 775. Relating to all judicial circuits of the State of Alabama composed of only one county and having a population of not less than Sixty Thousand Five Hundred (60,500) and not more than Sixty-five Thousand (65,000) inhabitants according to the last or any succeeding federal decennial census; authorizing the solicitor of said circuit to appoint a Deputy Circuit Solicitor and providing for the payment of said Deputy Circuit Solicitor's compensation from the general funds of the county constituting such circuit.

was taken up by Mr. Gilchrist at the request of Mr. Horton and said bill was read a third time at length and passed:

Yeas 19; Nays 0.

Yeas:

Messrs.	Evans	Lolley	Roberts
Bentley	Gilchrist	Metcalf	Robison (Pickens)
Cooper	Hammond	Montgomery	Smith
Dumas	Hornsby	Nichols	Taylor
Eddins	James	Oden	Tyson

—19

Nays:

—0

MOTION TO ADJOURN LOST

At 6:16 P. M., Mr. Cooper moved that the Senate now adjourn, in accordance with motion heretofore adopted, to meet again Tuesday, August 20, 1963 at 12 o'clock noon, which motion was lost.

Yeas 2; Nays 18.

Yeas:

Messrs.	Carter	Cooper	—2
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Nays:

Messrs.	Evans	Metcalf	Robison (Montgomery)	
Allen	Gilchrist	Montgomery	Robison (Pickens)	
Bentley	Hammond	Nichols	Taylor	
Dumas	Hornsby	Oden	Tyson	
Eddins	Lolley	Roberts		—18

BILLS ON THIRD READING RESUMED

The Bill:

H. 774. To provide for payment of expenses of circuit solicitors in judicial circuits in Alabama composed of one county and having a population of not less than Sixty Thousand Five Hundred (60,500) and not more than Sixty-five Thousand (65,000) inhabitants according to the last or any succeeding federal decennial census, to be paid out of the county treasury of such counties.

was taken up by Mr. Gilchrist at the request of Mr. Horton and said bill was read a third time at length and passed:

Yeas 18; Nays 0.

Yeas:

Messrs.	Cooper	Hornsby	Roberts	
Adams	Dumas	Lolley	Robison (Montgomery)	
Allen	Evans	Metcalf	Taylor	
Bentley	Gilchrist	Montgomery	Tyson	
Carter	Hammond	Nichols		—18

Nays:

—0

The Bill:

S. 388. To regulate further the power and authority of cities having populations of not less than 150,000 nor more than 350,000, according to the last or any subsequent federal decennial census, to levy, impose, or collect privilege license taxes.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment:

Yeas 19; Nays 0.

Yeas:

Messrs.	Dumas	Hornsby	Roberts
Allen	Eddins	Lolley	Robison (Montgomery)
Bentley	Evans	Metcalf	Robison (Pickens)
Carter	Gilchrist	Nichols	Taylor
Cooper	Hammond	Oden	Tyson

—19

Nays:

—0

The Bill:

S. 387. Relating to municipalities having populations of not less than 200,000 nor more than 300,000, according to the 1960 or any subsequent federal decennial census; providing an optional form of government which may be adopted by such municipalities; and providing the method by which any such municipality may adopt such an optional form of municipal government.

was taken up.

Mr. Tyson offered the following substitute for the Bill, S. B. 387, to-wit:

SUBSTITUTE FOR S. B. 387

A BILL TO BE ENTITLED AN ACT

Relating to municipalities having a population of not less than 200,000 nor more than 300,000, according to the last or any subsequent federal decennial census; providing optional forms of government which may be adopted by such municipalities; and providing the method by which any such municipality may adopt such an optional form of municipal government.

Be It Enacted by the Legislature of Alabama:

Chapter 1

Section 1. This act shall apply only to municipalities having a population of not less than 200,000 nor more than 300,000, according to the last or any subsequent federal decennial census. Any such city may retain the form of government under which it is presently operating or may adopt, upon proceeding in the manner provided in this act, one of the optional plans or forms of government provided herein.

Section 2. The legally qualified voters of any municipality to which this act is applicable may adopt any of the optional plans of this act upon petition and referendum, as hereinafter provided.

Section 3. Upon petition signed by ten per cent or more of the qualified voters of a municipality within the scope of this act; such petition to be addressed to the judge of probate of the county in which the municipality is situated, an election shall be held on the question

of the adoption of such optional plan under this act as the petition may designate and on the question of when the plan shall take effect.

Section 4. The judge of probate shall examine the petition and if he determines that the petition is signed by at least ten per cent of the qualified voters of the municipality, he shall certify such fact to the governing body of the municipality; and such governing body, immediately upon receipt of such certification, shall call such election to be held together with, and as part of, the next general or municipal election if one is to be held not less than seventy-five nor more than one hundred twenty days after the filing of the petition, and if a general or municipal election is not to be held within that time, a special election within such time. The question of adoption of an optional plan of government and the question of when the plan shall take effect shall be submitted to the voters in the same manner as other public questions to be voted upon by the voters of a single municipality.

Section 5. No petition for submission of the question of adopting an optional plan of government pursuant to this act may be filed within two years after any other such petition has been duly filed, nor within five years after an optional plan of government hereunder shall have been adopted for the municipality.

Section 6. Whenever the legally qualified voters of any municipality to which this act applies, by a majority of those voting on the question, vote in favor of adopting a change in their form of government pursuant to this act, the officers herein provided for such form of government shall be elected and the plan of government shall become effective as hereinafter provided.

Chapter 2

Section 7. The form of government provided in this chapter of this act shall be known as the "mayor-council plan" and shall apply to any municipality the voters of which have adopted it pursuant to this act.

Section 8. Each municipality hereunder shall be governed by an elected council, an elected mayor, and such other officers and employees as may be duly appointed pursuant to law or ordinance.

Section 9. The council shall consist of seven members, who shall be elected at large by the voters of the municipality; and, except as otherwise herein provided for the first council, the members of the council shall be elected at a regular municipal election to be held every four years on the third Tuesday in August. Each councilman shall have been a citizen and resident of the municipality at least two years preceding his election.

Section 10. Members of the council shall serve for a term of four years, beginning at twelve o'clock noon on the first Monday of October next following their election, except as otherwise provided for those first elected. Seven councilmen shall be elected at the first election following the adoption by the municipality of this plan, as provided in chapter 5 of this act. All councilmen elected at such first election shall serve from twelve o'clock noon on the first day the plan takes effect until twelve o'clock noon on the first Monday in October of the year in which regular municipal elections are held, and their successors are elected and qualified. Vacancies shall be filled for the remainder of the unexpired term at the next general election to be held not less than sixty days after the occurrence of the vacancy. Council may fill the

vacancy temporarily by appointment to serve until the qualification of a person so elected. Councilmen shall be entitled to a compensation of twenty-four hundred dollars per annum each, payable in installments as the salaries of other municipal officers are paid.

Section 11. All legislative powers and other powers granted to cities and towns shall be exercised by the council, except those powers conferred on some officer by law or ordinance, and except as may otherwise be provided by this act or by other general laws.

Section 12. The council, in addition to such other powers and duties as may be conferred upon it by this act or otherwise by law, may:

(a) Consider and approve or decline to approve nominations for appointments to be made by the mayor;

(b) Require any municipal officers, in its discretion, to prepare and submit sworn statements regarding his official duties and the performance thereof, and otherwise to investigate the conduct of any department, office, or agency of the municipal government;

(c) Remove any municipal officer, other than the mayor or a member of council, for cause, upon notice and opportunity to be heard.

Section 13. The council shall appoint a municipal clerk, who shall serve as clerk of the council, keep its minutes and records of its proceedings, maintain and compile its ordinances and resolutions, and perform such other functions as may be required by law for municipal clerks generally. The municipal clerk shall, prior to his appointment, have been qualified by training or experience to perform the duties of the office.

Section 14. The executive power of the municipality shall be exercised by the mayor. The mayor shall be elected by the qualified voters of the municipality at the regular municipal election to be held every four years on the third Tuesday in August, and shall serve for a term of four years beginning at twelve o'clock noon on the first Monday in October following his election. Vacancies in the office of mayor shall be filled in the same manner as vacancies in council. However, the mayor elected at the first election following the adoption of this plan shall serve from twelve o'clock noon on the first day the plan takes effect until twelve o'clock noon on the first Monday in October of the year in which regular municipal elections are held and his successor is elected and qualified. The mayor shall be entitled to compensation at the rate of fifteen thousand dollars per annum, payable in installments as the salaries of other municipal officers are paid.

Section 15. The mayor shall enforce the ordinances of the municipality and all laws applicable thereto. He shall annually address the council on the condition and requirements of the municipal government and shall from time to time make any such recommendations for action by the council as he may deem in the public interest. He shall supervise all of the departments of the municipal government and shall require each department to make an annual and such other reports of its work as he may deem desirable.

Section 16. (a) The mayor shall nominate and appoint, with the advice and consent of the council, the judge of the municipal court, or recorder, and the department heads of the municipality other than the municipal clerk.

(b) Ordinances adopted by the council shall be submitted to the mayor, and he shall within ten days after receiving any ordinance, either approve the ordinance by affixing his signature thereto or return it to the council, by delivering it to the municipal clerk, together with a statement setting forth his objections thereto or to any item or part thereof. No ordinance or any item or part thereof shall take effect without the mayor's approval, unless the mayor fails to return an ordinance to council within ten days after it has been presented to him, or unless council upon reconsideration thereof on or after the next regular council meeting following its return by the mayor shall by a vote of six members resolve to override the mayor's veto.

(c) The mayor may attend all meetings of the council and preside as chairman and may take part in the session of council but shall have no vote except in the case of tie, in which case he may cast the deciding vote.

Section 17. The mayor shall designate the director of administration (or other municipal administrative official subject to the approval of the council) to act as mayor whenever the mayor shall be prevented by absence from the municipality, disability, or other cause from attending the duties of his office. During such time the person so designated by the mayor shall possess all the rights, powers, and duties of the mayor except to hire or dismiss departmental heads or other key officials. Whenever the mayor shall have been unable to attend the duties of his office for a period of sixty consecutive days for any of the above stated reasons, an acting mayor shall be appointed by the council, and he shall succeed to all the rights, powers, and duties of the then acting mayor.

Section 18. The municipality shall have a department of administration and such other departments not exceeding nine in number as council may establish by ordinance. All of the functions, powers, and duties of the municipality shall be allocated and assigned among and within such departments. Each department shall be headed by a director or other officer appointed by the mayor with the advice and consent of the council.

Section 19. The department of administration shall be headed by a director who shall be known and designated as the director of administration. The director of administration shall be appointed as other department heads are appointed, and shall be chosen solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. He shall have, exercise, and discharge the functions, powers, and duties of the department. The department, under the direction and supervision of the mayor shall:

(a) Assist in the preparation of the budget.

(b) Administer a centralized purchasing system; provided, all contracts of whatever nature for the purchase of materials, equipment, supplies, or other personal property involving more than 100 dollars or less than 2,000 dollars made by or on behalf of the municipality, shall be let by free and open bidding, on written sealed bids, to the lowest responsible bidder. Provided further that all purchases of 2,000 dollars or more shall be advertised for by publication three successive weeks before the date set for the letting, in a newspaper published in the city, and in any other manner and for such length of time as the council may determine. All bids shall be sealed when received, shall be opened in public at the hour stated in the notice, and all original bids together

with all documents relating to the award of the contract shall be retained and made a part of a permanent record or file and shall be open to public inspection;

(c) Be responsible for the development and administration of a sound personnel system; provided, all appointments and removals of officers and employees of the municipality, including department heads, shall be made in accordance with the provisions of the existing merit or civil service system law, if any, in effect in the municipality;

(d) Perform such other duties as council may prescribe.

Section 20. Council shall provide by ordinance for a municipal engineer who shall be qualified at least as a licensed professional engineer prior to his appointment, and shall serve either full or part time, or on a consulting basis. The municipal engineer shall supervise all work by or for the municipality of a technical or engineering nature. He shall as directed by council compile and compute any cost of all work and services of an engineering or technical nature paid for by the municipality whether charged to force account or by contract, and shall report thereon to council annually and at such other times as the mayor or council may require.

Section 21. The municipal budget shall be prepared by the mayor with the assistance of the director of administration. During the month of August, the mayor shall require all department heads to submit requests for appropriations for the ensuing budget year, and to appear before the mayor or director of administration at public hearings, which shall be held in that month, on the various requests.

Section 22. On or before the fifteenth day of September the mayor shall submit to council his recommended budget together with such explanatory comment or statement as he may deem desirable. The budget shall be in such form as may be prescribed by the council, and shall in addition have appended thereto a detailed analysis of the various items of expenditure and revenue. Council may increase or reduce any item or items in the mayor's budget by a vote of a majority of the council. The budget shall become effective on the ensuing first day of October.

Section 23. The council shall where practicable provide for the maintenance of a system of quarterly allotments for the operation of the budget. It shall be the duty of the officer or department administering any function of the municipality to report to the director of administration such financial statistics as the mayor or director of administration may require in the formulation of the budget.

Section 24. The council shall provide by ordinance for the exercise of a control function, in the management of the finances of the municipality, by some officer other than the director of administration. The control function shall include provision for an encumbrance system of budget operation, for expenditures only upon written requisition, for the pre-audit of all claims and demands against the municipality prior to payment, and for the control of all payments out of any public funds by individual warrants for each payment to the official having custody thereof.

Chapter 3

Section 25. The form of government provided in this chapter of this act shall be known as the "council-manager plan" and shall apply to any municipality the voters of which have adopted this plan pursuant to this act.

Section 26. Each municipality under this chapter shall be governed by an elected council, an appointed municipal manager, and such other officers and employees as may be duly appointed pursuant to law or ordinance.

Section 27. The municipal council shall consist of seven members. Each councilman shall have been a citizen and resident of the municipality at least two years immediately preceeding his election.

Section 28. Except as otherwise herein provided for the first councilmen, members of the municipal council shall be elected at large by the voters of the municipality at a regular municipal election to be held every four years on the third Tuesday in August.

Section 29. Members of the council shall serve for a term of four years, beginning on the first Monday in October next following their election, except as otherwise provided for those first elected. Seven councilmen shall be elected at the first election following the adoption by the municipality of this plan, as provided in chapter 5 of this act. All councilmen elected at such first election shall serve from twelve o'clock noon on the first day the plan takes effect until twelve o'clock noon on the first Monday in October of the year in which regular municipal elections are held, and their successors are elected and qualified. Vacancies shall be filled by election for the remainder of the unexpired term at the next general election occurring not less than sixty days after the occurrence of the vacancy. Council may fill the vacancy temporarily by appointment to serve until the qualification of a person so elected. Councilmen shall be entitled to a compensation of 2,400 dollars per annum each, payable in installments as the salaries of other municipal officers are paid.

Section 30. On the first Monday in October following their election, and, in the case of the first councilmen elected, on the day this plan takes effect, the members elected to the municipal council shall assemble at the usual place of meeting of the governing body of the municipality and organize and elect one of their number as mayor. The mayor shall be chosen by ballot by a majority vote of all members of the municipal council. If the members shall be unable, within five ballots to be taken within two days of said organization meeting to elect a mayor, then the member who in the election for members of the municipal council received the greatest number of votes shall be the mayor. Should such person decline to accept the office, then the person receiving the next highest vote shall be mayor and so on. The compensation of the mayor under this plan shall be 10,000 dollars.

Section 31. The mayor shall preside at all meetings of the municipal council and shall have a voice and vote in its proceedings. All bonds, notes, contracts, and written obligations of the municipality shall be executed on its behalf by the mayor, or in the event of his inability to act, by such councilman as the municipal council shall designate to act as mayor during his absence or disability.

Section 32. All legislative powers and other powers granted to cities and towns shall be exercised by the council, except those powers conferred on some officer by law or ordinance, and except as otherwise provided herein.

Section 33. The municipal council shall appoint a municipal manager, a municipal clerk, and a municipal attorney. Any of such officers may be held by the same person. The council may provide for the appointment of other necessary officers and employees, and may create commissions and other bodies with advisory powers. All ap-

pointments and removals of personnel, except the municipal manager, shall be made in accordance with the provisions of such merit or civil service system law as may be applicable to such municipality.

Section 34. The municipal council shall continue or create, and determine and define the powers and duties of, such executive and administrative departments, boards, and officers in addition to those provided for herein, as it may deem necessary for the proper and efficient conduct of the affairs of the municipality. Any department, board, or office so created may at any time be abolished by the municipal council.

Section 35. It is the intention of this chapter of this act that the municipal council shall act in all matters as a body, and it is contrary to the intent of this chapter for any of its members to seek individually to influence the facts of the municipal manager, or any other officer, or to direct or request the appointment of any person to, or his removal from office; or to interfere in any way with the performance by such officers of their duties. The council and its members shall deal with the administrative service solely through the manager and shall not give orders to any subordinate of the manager, either publicly or privately. Nothing herein contained shall prevent the municipal council from appointing committees or commissioners of its own members or of citizens to conduct investigations into the conduct of any officer or department, or any matter relating to the welfare of the municipality, and delegating to such committees or commissions such powers of inquiry as the municipal council may deem necessary. Any councilman violating the provisions of this section shall be disqualified to serve thereafter, and may be removed from his office by an appropriate proceeding brought in a court of competent jurisdiction.

Section 36. The municipal council shall as soon as possible after its organization appoint by a vote of a majority of all its members, a municipal manager at such salary and under such conditions as the municipal council by a majority vote may decide.

Section 37. The manager may designate a qualified administrative officer of the municipality to perform his duties during his temporary absence or disability. In the event of his failure to make such designation, the council may by resolution appoint an officer of the municipality to perform the duties of the manager during such absence or disability until he shall return or his disability shall cease.

Section 38. The municipal manager shall be chosen by the council solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the municipality or state, but during his tenure of office he must reside inside the municipality.

Section 39. The municipal manager shall hold office for an indefinite term and may be removed by a majority vote of the council. At least thirty days before such removal shall become effective, the council shall by a majority vote of its members adopt a preliminary resolution stating the reasons for his removal. The manager may reply in writing and may request a public hearing, which shall be held not earlier than twenty days nor later than thirty days after the filing of such request. After such public hearing, if one is requested, and after full consideration, the council by a majority vote of its members may adopt a final resolution of removal. By a preliminary resolution the council may suspend the manager from duty, and shall in any case

cause to be paid him forthwith any unpaid balance of his salary and his salary for the next three calendar months following adoption of the preliminary resolution.

Section 40. The municipal manager shall:

(a) Be the chief executive and administrative official of the municipality;

(b) Execute all laws and ordinances applicable within the municipality;

(c) Appoint and remove all heads of administrative departments and all other officers, subordinates and assistants, for whose selection or removal no other method is provided in this chapter, supervise and control his appointees, and report all appointments or removals at the next meeting thereafter of the municipal council, provided that all such appointments and removals are made in accordance with any merit or civil service system law which may be applicable to the municipality;

(d) Negotiate contracts of the municipality subject to the approval of the municipal council, make recommendations concerning the nature and location of municipal improvements, and execute municipal improvements as determined by the municipal council; provided, all contracts of whatever nature for the purchase of materials, equipment, supplies, or other personal property involving more than 100 dollars or less than 2,000 dollars, made by or on behalf of the municipality, shall be let by free and open competitive bidding, on written sealed bids, to the lowest responsible bidder. Provided further that all purchases of 2,000 dollars or more shall be advertised for by publication three successive weeks before the date set for the letting, in a newspaper published in the city, and in any other manner and for such lengths of time as the council may determine. All bids shall be sealed when received, shall be opened in public at the hour stated in the notice, and all original bids together with all documents relating to the award of the contract shall be retained and made a part of a permanent record or file and shall be open to public inspection;

(e) See that all terms and conditions imposed in favor of the municipality or its inhabitants in any statute, public utility franchise, or other contract are faithfully kept and performed, and upon knowledge of any violation call the same to the attention of the municipal council;

(f) Attend all meetings of the municipal council with the right to take part in the discussions, but without the right to vote;

(g) Recommend to the municipal council for adoption such measures as he may deem necessary or expedient, and make reports to the council as requested by it, and at least once a year make an annual report of his work for the benefit of the council and the public;

(h) Investigate at any time the affairs of any officer or department of the municipality;

(i) Perform such other duties as may be required of the municipal manager by ordinance or resolution of the municipal council.

The municipal manager shall in all matters act under the direction and supervision of the municipal council.

Section 41. A municipal budget shall be prepared by the municipal manager. During the month of August in each year the municipal

manager shall require the department heads to submit requests for appropriations for the ensuing budget year and to appear before him at public hearings, which shall be held during that month, on the various requests.

Section 42. On or before the fifteenth day of September the municipal manager shall submit to council his recommended budget together with such explanatory comment or statement as he may deem desirable. The budget shall be in such form as may be required by the council, and shall in addition have appended thereto a detailed analysis of the various items of expenditure and revenue. The council shall, where practicable, provide by ordinance for the operation of a system of quarterly allotments for the operation of the budget, and for the development and reporting of appropriate unit costs of budgeted expenditures. The budget shall become effective on the first day of October.

Section 43. In any act or ordinance a provision conferring the appointing power or other power upon the mayor or other executive officer of the municipality shall be construed as meaning the municipal manager in a municipality governed under this chapter of this act, and the appointments or the power exercised by the municipal manager in accordance with such provisions shall be classified and given the same force and effect as if executed by the official named therein.

Section 44. A municipal engineer shall supervise all work by or for the municipality of a technical or engineering nature. He shall, as directed by council, compile and compute the unit cost of all work and services of an engineering or technical nature paid for by the municipality, whether charged to force account or by contract, and shall report thereon annually and at such other time as the mayor or council may require.

Chapter 4

Section 45. The form of government provided in this chapter shall be known as the "Board of Commissioners Plan" and shall apply to any municipality the voters of which have adopted this plan pursuant to this act.

Section 46. The governing body of any such city shall be known as the Board of Commissioners and shall consist of three members designated as follows: President of the Board of Commissioners, Associate Commissioner No. One and Associate Commissioner No. Two. Each Associate Commissioner shall be designated by the number of the office to which he is elected. In all primary and general elections held for the purpose of nominating or electing members of the Board of Commissioners of such city, each of such positions to be filled shall be designated as provided in this act and shall appear on the ballots of such elections designated accordingly. Each candidate for nomination or election as a member of the Board of Commissioners of any such city shall designate in the declaration or announcement of his candidacy the position to which he seeks nomination or election and his name shall appear on the ballots of such election accordingly. Each member of the Board of Commissioners elected at the first election as herein provided shall serve from twelve o'clock noon on the first day the plan takes effect until twelve o'clock noon on the first Monday in October of the year in which regular municipal elections are held as provided in Section 52 of this act. The term of office of each member of the board elected thereafter shall be four (4) years and until his successor shall have been elected and shall have qualified as provided in Section 52 hereof. The President of the Board of Commissioners shall

be the Mayor and Chief Executive of such city. The President and the two Associate Commissioners of the Board of Commissioners shall be known collectively as the "Board of Commissioners of (insert name of city)" and have the powers and duties hereinafter provided.

Section 47. The salary of the President of the Board of Commissioners shall be \$15,000.00 per annum and the salary of each Associate Commissioner shall be \$14,000.00 per annum. The salary of the President of the Board of Commissioners and the salaries of the Associate Commissioners shall be payable in equal monthly installments at the end of each calendar month out of the city treasury.

Section 48. The President of the Board of Commissioners and the Associate Commissioners of the city shall be municipal officers only, and shall have, and possess and exercise all the municipal powers, legislative, executive and judicial. Said Board of Commissioners shall not have, possess or exercise any legislative, executive, judicial or administrative powers of the state or county, except when acting as recorded, and then only as a committing magistrate, nor shall the offices held by them be state offices, except as herein provided. Said Board of Commissioners shall have the exclusive right to regulate or permit within the corporate limits and the police jurisdiction of such city an amusement or the playing of any game on Sunday, and any law in conflict with this provision, in so far as same relates to such city is hereby repealed. All laws, ordinances and resolutions lawfully passed and in force in such city under its former organization, not inconsistent with the provisions of this act, shall remain in force until altered or repealed, according to the provisions of this act. The territorial limits of such city shall remain the same as under its former organization, and all rights and property of every description which vested in it shall vest in it under the organization herein provided for as though there had been no change in the organization of said city; and no right or liability either in favor of it or against it and no suit or prosecution of any kind shall be effected by such change, unless otherwise expressly provided for by the terms of this act. All employees of said city and all officials except those whose terms of office are abolished by this act shall continue in office until otherwise provided by said Board of Commissioners of said city.

Section 49. Each and every officer and employee of such city, except the health officer and such persons as may be employed by him to enforce quarantine, shall be selected and employed by the said Board of Commissioners, or under its direction, and all salaries and wages paid by said city shall be fixed by said Board of Commissioners. Unless otherwise provided the Board of Commissioners shall prescribe and may at any time change the powers, duties and titles of all subordinate officers and employees of said city, except the health officer and be removable at the pleasure of the Board of Commissioners. The authority herein given is subject, however, to the provisions of any civil service or merit system law applicable to said city.

Section 50. The powers and duties of the Board of Commissioners of each such city shall be distributed into and among three divisions, as follows: division of general administration and finance; division of public works; and division of public affairs. The President of the Board of Commissioners, or Mayor, shall be the general executive officer of the city and shall be charged with the general supervision and direction of its affairs; and shall have direct supervision over the division of general administration and finance. The division of general administration and finance shall include those functions and departments of the city having to do with the collection of taxes, licenses and improvement assessments; the expenditures of the city, including the purchase of

equipment and supplies; accounts and accounting; the budget and appropriations; the administration of the legal affairs of the city, including the Recorder's Court; the management of its sinking funds; and the management of any public utilities owned by the city. Associate Commissioner Number One shall have direct supervision over the division of public works. The division of public works shall include those functions and departments of the city having to do with public improvements in such city, including the construction, improvement and maintenance of streets, sidewalks, sewers, drainage systems, and public buildings and property; the city airport; the public health and sanitation; and kindergartens. Associate Commissioner Number Two shall have direct supervision over the division of public affairs. The division of public affairs shall include the fire and police departments, the city cemetery, and the department having to do with weights and measures. Any function or department of the city not herein specifically assigned to one of the above divisions shall be the responsibility of the Board of Commissioners as a whole; provided, however, any such function or department may be assigned to a division, and reassigned, at any time by a unanimous decision of all members of the Board of Commissioners.

Section 51. The Board of Commissioners shall hold regular public meetings on Tuesday of each and every week at some regular hour to be fixed by said Board from time to time, and publicly announced by it, and it may hold such adjourned, called or other meetings as may be necessary or convenient. The President of the Board, when present, shall preside at all meetings of said Board but shall have no veto power. A majority of the total number of members of said Board shall constitute a quorum for the transaction of any and every business to be done by said Board, and for the exercise of any and every power conferred upon it; and the affirmative vote of a majority of the total number of members of said Board shall be necessary and sufficient for the passage of any resolution, by-law or ordinance, for the transaction of any business of any sort by said Board or the exercise of any of the powers conferred upon it, except remitting fines, penalties and imprisonment. This provision shall not be construed, however, so as to prevent the said Board from delegating or assigning to one or more of its members, or to such boards, commissioners, officers or employees as may be created or selected by it the performance of such executive or judicial duties, and powers that are vested in said Board of Commissioners, as may be necessary or convenient, provided that same is done by resolution, by law or ordinance duly enacted. All meetings of said Board of Commissioners shall be open to the public. No resolution, by-law or ordinance granting any franchise, appropriating any money for any purpose, providing for any public improvement, enacting any regulations, concerning the public comfort, the public safety or public health or of any other general or permanent nature, shall be enacted, except at a regular or adjourned public meeting of said Board, provided that a meeting of the Board of Commissioners of said city may be called at any time to consider and act upon any emergency that involves the public safety or public health, when not otherwise herein provided. Every motion, resolution or ordinance introduced at any and every such meeting shall be reduced to writing and read before any vote thereon shall be taken and the yeas and nays thereon shall be recorded. A record of the proceedings of every such meeting shall be kept in a well bound book and every resolution and ordinance passed by the Board of Commissioners must be recorded in such book and record of the proceedings of the meeting be signed by at least two members of the Board of Commissioners before the action taken shall be effective. Such record shall be kept available for inspection by all citizens of such city, at all reasonable times.

Section 52. In all primary and general elections held for the purpose of nominating or electing members of the Board of Commis-

sioners of any such city, each of such positions to be filled shall be designated as provided in this act and shall appear on the ballots of such elections designated accordingly. Each candidate for nomination or election as a member of the Board of Commissioners of any such city shall designate in the announcement and declaration of his candidacy the position to which he is seeking nomination or election and his name shall appear on the ballots of such election accordingly. An election shall be held in the city on the third Tuesday in August 1967, and on the same day of every fourth succeeding year, for the election of the President and two Associate Commissioners of the Board of Commissioners to hold office for a term of four years from the first Monday in October in said year and until their respective successors shall have been elected and shall have qualified for office. Any person desiring to become an independent candidate at any election which may be held according to the terms of this act for the office of President of the Board or Associate Commissioner may become such candidate by filing in the office of the Judge of Probate of the County in which said city is situated a statement of such candidacy accompanied by an affidavit taken and certified by said Judge of Probate or by a Notary Public that such person is duly qualified to hold the office for which he desires to become a candidate. Such statement shall be filed at least twenty-one days before the day set for such election and shall be substantially in the following form: "State of Alabama, County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the city of in said State and County and reside at in said city, that I desire to become a candidate for the office of in said city for the term of years in the election for said office to be held on the day of next; that I am duly qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election (signed) Subscribed and sworn to before me by said on the day of 19..... Judge or Probate of Notary Public."

Said statement shall be accompanied by a petition signed by at least one thousand persons who shall be qualified to vote at said coming election, requesting that such person become a candidate for said office at said election. The signers of said petition shall set forth their names in full and their residence addresses and said petition shall be substantially like the following: "We, the undersigned, duly qualified electors of the City of and residing at the places set opposite our respective names, do hereby request that the name of be placed upon the official ballot as a candidate for the office of in said city for the term of years at the election to be held in this City on the day of next. We further state that we know said to possess the qualifications necessary for said office and to be in our judgment a fit and proper person to hold said office. Witness our hands on this the day of 19....." At every such election all ballots to be used by the voters shall be printed and prepared by the said city at its expense. No name shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates according to the provisions of this act; and no ballot shall be used at any such election except the official ballot prepared as herein provided. At every such election the Board of Commissioners of any such city or a majority of them acting as an appointing board, must not more than twenty nor less than ten days before the holding of such election appoint from the qualified electors of the respective voting places election officials for each place of voting, to act at the place of holding elections in each precinct in such city, the number of such officials to be the same as prescribed by Title 17 of the Code of Alabama. All elections held under this act shall, where applicable and not in conflict with this act, be

governed and conducted in all respects as provided by Title 17, Code of Alabama. No petition shall be required of party candidates.

Section 53. At every general election held under this act, the candidate receiving the highest number of votes for the office which he seeks shall be declared elected.

Section 54. No person shall be eligible to become a member of the Board of Commissioners of the city who is not duly qualified to vote in said city. In case any person after he shall have been elected and duly qualified as such commissioner, shall be declared ineligible to hold such office a successor shall be chosen as in case of a vacancy by death, resignation or from any other cause.

Section 55. Every person who shall be elected to the office of commissioner in such city, shall before entering upon the discharge of the duties of the office qualify by making oath that he is eligible for said office, and will execute the duties of the same according to the best of his knowledge and ability. Said oath shall be administered by the retiring mayor or president of the board of commissioners of such city, or by a notary public. The term of office of said commissioners shall begin on the first Monday of October succeeding the election, except as may be otherwise expressly provided. Each commissioner shall, before entering upon the duties of his office, give a good and sufficient bond, which may be executed by a bonding company authorized to do business in Alabama, payable to and for the use and benefit of such city, in the sum of five thousand dollars, conditioned for the faithful discharge of his duties and that he will hold such city harmless from all loss caused by his neglect of duty or misfeasance in office or for the willful expenditure of any moneys of such city in violation of law, and said bond, before being accepted, shall be approved by the Judge of Probate, in and for said county wherein such city is situated. The premiums on said bond shall be paid out of the city treasury. Neither any member of the commission or any person holding an office of profit under the commission shall hold any office of profit or trust under the laws of any state of the United States, or hold any county or other city office; nor shall any commissioner be elected or appointed to any office created by or the compensation of which was increased or fixed by the commission, while he was a member thereof, within two years of his membership on said commission.

Section 56. No ordinance passed by the commission, except when otherwise required by the general laws of the state or by the provisions of this subdivision, except an ordinance for the immediate preservation of the public health or safety, which contains a statement of its urgency and is passed by a unanimous vote of the commission shall go into effect before ten days from time of the final passage, and if during said ten days a petition signed by electors of the city equal in number to at least twenty per centum of the entire vote cast at the last general municipal election held in said city protesting against the passage of said ordinance, be presented to the commission, the same shall thereupon be suspended from going into operation, and it shall be the duty of the commission to reconsider such ordinance, and if the same is not entirely repealed, the commission shall submit the ordinance to the vote of the electors of the city, either at the general election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition and election shall be in all respects in accordance with the provisions of this act, except as to the percentage of signers.

Section 57. Whenever any vacancy shall occur in the office of the President of the Board or any Associate Commissioner of the city, the

remaining Commissioner or Commissioners of such city shall order an election to be held not less than sixty nor more than ninety days from the date such vacancy occurs, at which election a successor to said office for the unexpired term shall be voted for. Notice of such election shall be given by publication once a week for three successive weeks in some newspaper published in said city. Any person desiring to become a candidate for such office at such election shall qualify as provided herein and upon his so doing his name shall be placed upon the official ballot used in said election. The person who shall be elected to such office at such election shall qualify for office as soon as practicable and shall hold office for the unexpired term of his predecessor. Provided that whenever any vacancy shall occur in the office of the President or Associate Commissioners within twelve months prior to the general city election as provided by this act, then the successor of such Associate Commissioner or Commissioners shall be elected by the remaining member or members of the Board of Commissioners of such city within thirty days from the date of said vacancy and such successor shall serve for the unexpired term of his predecessor. Every person who shall be elected to the office of President or Associate Commissioner in any such city under the provisions of this section shall qualify for office as soon as practicable after such election, and shall be clothed with all the duties, responsibilities, and powers of such office immediately upon qualification.

Chapter 5

Section 58. A schedule of the installation of an optional plan adopted pursuant to this act shall, as provided herein take the following course:

(a) An election to submit the question of adoption of an optional plan may be held at any time in accordance with the provisions of chapter 1 of this act;

(b) In the event of a favorable vote of the electors at the election, the judge of probate of the county in which the municipality is situated shall order an election to be held on the eighth Tuesday following such election for the election of the first officers under the adopted plan;

(c) An optional plan shall take effect in accordance with the majority votes of the electors at the election, at twelve o'clock noon on the date of expiration of the terms of office of incumbent councilmen or commissioners, or if the incumbents are holding staggered terms, on the expiration of the term which occurs first; or at twelve o'clock noon on the seventh day following the election of the first officers under this plan.

(d) The expense of all elections held hereunder shall be paid by the municipality conducting such elections.

Section 59. Upon the effective date of an optional form of government adopted pursuant to this act, the provisions of this act pertaining thereto shall become applicable to such municipality, and the existing form of government for such municipality shall be abolished. All ordinances and resolutions of the municipality to the extent that they are not inconsistent with the provisions of this act shall remain in full force and effect until modified or repealed as provided by law. All officers and employees of any municipality adopting an optional plan pursuant to this act, except those whose terms of office are abolished by the adoption of such optional plan shall continue in office until otherwise provided by the municipal council.

Section 60. All actions and proceedings of a legislative, executive, or judicial character which are pending upon the effective date of an optional plan adopted pursuant to this act may continue, and the appropriate officer or employee under such optional plan shall be substituted for the officer or employee under such optional plan shall be substituted for the officer or employee theretofore exercising or discharging the function, power, or duty involved in such action or proceeding.

Section 61. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 62. All laws or parts of laws which conflict with this act are repealed.

Section 63. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	Mathews	Robison (Pickens)
Brannan	Hammond	McCain	Shelton
Carter	Hornsby	Montgomery	Smith
Clark	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

And said bill, S. B. 387 as thus amended by the substitute, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 24; Nay 1.

Yeas:

Messrs.	Evans	Lowe	Reynolds
Adams	Gilchrist	Mathews	Roberts
Allen	Givhan	McCain	Robison (Montgomery)
Bentley	Horton	Montgomery	Robison (Pickens)
Cooper	James	Nichols	Tyson
Dumas	Lolley	Oden	Wilson
Eddins			

—24

Nay:

Mr. Metcalf

—1

The Bill:

H. 356. Relating to counties having populations of not less than 60,500 nor more than 65,400, regulating the practice of barbering; prescribing the terms upon which licenses may be issued to practitioners of barbering, including students and apprentices; regulating barber shops, barber schools and instructors; provided for the appointment of a County

Board of Barber Commissioners, and defining the duties of said Board; prescribing fees; defining certain misdemeanors and providing penalties for violation thereof.

was taken up by Mr. Gilchrist at the request of Mr. Horton and said bill was read a third time at length and passed:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hornsby	Metcalf	Smith
Carter	Lolley	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 676. To apply in counties having a population of 600,000 or more according to the last or any subsequent federal decennial census; to provide further for the duties and authority of the judge of probate and the county commission or county governing body of such county; to regulate further the Probate Court and the offices of the Judge of Probate in such counties; to prescribe further the manner of keeping records and recording documents, instruments and paper; to authorize and permit the use of photograph or microphotograph machines for recording documents and papers, and for preserving such on film and microfilm; to direct the discontinuance of keeping copies or prints or records in large and well-bound books, and to permit the storing or destruction of such books or records after photographing or reproducing the same on film records; to authorize and permit the discontinuance of keeping both "Minute Books" and "Final Record Books", and to provide the manner of keeping records of the Probate of wills; to provide further the manner of entering partial or full satisfaction of the record of any mortgage lien or other instrument; to authorize the judge of probate to adopt and promulgate reasonable rules and regulations controlling public access to the system of recording and preserving records; to make inapplicable insofar as said counties are concerned, the provisions of Section 280 of Title 13, Code of Alabama, 1940, as amended, and to amend and repeal all laws or parts of law inconsistent with or in conflict with this act.

was taken up.

Mr. Dumas offered the following amendment to the Bill, to-wit:

AMENDMENT TO H. B. 676

Amend Section 2, subhead 15 by adding after the word "elections" the following words "provided however that all costs of said examination and checking of qualifications of voters and conducting any election shall be paid by the person filing such petition, but the charges for checking the qualifications of voters shall not exceed five (\$.05) cents for each name checked.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McCain	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hornsby	Montgomery	Smith
Clark	Horton	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			—24

Nays:

—0

Mr. Dumas then offered the following amendment to the Bill, H. B. 676, as amended, to-wit:

AMENDMENT TO H. B. 676

Amend Section 2 subhead 5 of House Bill 676 by adding after the phrase "pay the same to the sheriff" the following words "except in counties wherein the sheriff is compensated on a salary basis and in such counties said fees must be paid into the General Fund of such county."

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.	Eddins	Metcalf	Robison (Montgomery)
Allen	Gilchrist	Montgomery	Robison (Pickens)
Bentley	Hammond	Nichols	Taylor
Carter	Hornsby	Oden	Tyson
Dumas	Mathews	Roberts	—18

Nays:

—0

And said Bill, H. B. 676, as thus amended, was then read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.	Dumas	Mathews	Robison (Montgomery)
Allen	Eddins	Metcalf	Robison (Pickens)
Bentley	Gilchrist	Nichols	Taylor
Carter	Hammond	Oden	Tyson
Cooper	Hornsby	Roberts	—18

Nays:

—0

The Bill:

H. 698. To alter, rearrange and extend the boundaries and corporate limits of the town of Springville, St. Clair County, Alabama, so as to annex certain territory to the town.

Was read a third time at length and passed:

Yeas 18; Nays 0.

Yeas:

Messrs.	Dumas	Mathews	Robison (Montgomery)
Allen	Eddins	Metcalf	Robison (Pickens)
Bentley	Gilchrist	Nichols	Taylor
Carter	Hammond	Oden	Tyson
Cooper	Hornsby	Roberts	—18

Nays:

—0

The Bill:

H. 712. To alter, rearrange and extend the boundary lines of the City of Anniston, Alabama in Calhoun County, Alabama, so as to include within the corporate limits of said city certain property therein set out and described.

was taken up.

The third reading at length of the bill was begun by the Secretary.

ADJOURNMENT

At 7:30 P. M., on motion of Mr. Gilchrist, pending further consideration of H. B. 712, and in accordance with motion heretofore adopted by the Senate, the Senate adjourned until Tuesday, August 20, 1963 at 12 o'clock Noon.

THIRTY-SECOND LEGISLATIVE DAY

TUESDAY, AUGUST 20, 1963

The Senate met pursuant to adjournment, Lieutenant Governor Allen presiding.

PRAYER

The Session was opened with prayer by Honorable C. M. Wilson, Chaplain of the Senate.

ROLL CALL

Present:

Messrs.	Allen	Brannan	Clark
Adams	Bentley	Carter	Cooper

Dumas	Hornsby	Metcalf	Robison (Pickens)
Eddins	James	Montgomery	Shelton
Evans	Lolley	Nichols	Smith
Gilchrist	Lowe	Oden	Taylor
Givhan	Mathews	Reynolds	Tyson
Hammond	McCain	Roberts	Wilson
Hawkins	McDow	Robison (Montgomery)	—34

JOURNAL

On motion of Mr. Nichols, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Thirty-First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

WILLIAM C. MCCAIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. McCain, the foregoing report was concurred in and the Journal of the Senate for the Thirty-First Legislative Day was approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Eddins, leave of absence was granted Mr. Horton for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Montgomery:

S. 465. Relating to counties having a population of not less than Nineteen Thousand Five Hundred (19,500) nor more than Twenty Thousand (20,000) inhabitants according to the 1960 or any subsequent decennial census of the United States; providing for a Contingent Fund for the Circuit Court of every such county; providing for the appropriations to and expenditures from such contingent fund all solicitors fees taxed as cost in the trial of cases in every such county; and to authorize the Probate Judge, the Solicitor of the Circuit Court, and the President of the County Bar Association of every such county to adopt rules and regulations for the use of such funds in the

promotion of law enforcement, the proper trial of criminal cases and the establishment and maintenance of a law library.

Committee on Local Legislation.

By Mr. Hornsby:

S. 466. To alter, rearrange and extend the boundaries and corporate limits of the town of Carrville in Tallapoosa County, so as to annex certain territory to the town.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF TALLAPOOSA

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the town of Carrville in Tallapoosa County, so as to annex certain territory to the town.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Carrville, in Tallapoosa County, are hereby altered, rearranged and extended so that all of the lands hereinafter described not heretofore being embraced in the limits of such town and any and all other territory presently embraced therein will lie and be within the boundaries and corporate limits of such town:

Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of Township 18 North, Range 22 East, all of which lie in Tallapoosa County, Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

I, H. C. Pless, Publisher, Dadeville Record, Published weekly at Dadeville, Alabama do solemnly swear that a copy of the notice, as per clipping attached, was published four times in the regular and entire issue of said newspaper and not in any supplement thereof, for four consecutive weeks, Commencing with the issue dated July 25, 1963, and ending with issue dated August 15. I further certify that this publication was made with no expense to the State of Alabama.

H. CLAY PLESS,

Subscribed and sworn to before me this 19 day of August, 1963.

J. KIRBY SMITH,
Notary Public.

By Mr. Robison (Montgomery):

S. 467. To designate the time in each year when the Board of Registrars shall sit for the purpose of registering voters and for performing clerical duties in all counties of the State of Alabama having a population of not less than 150,000 nor more than 300,000 according to the last preceding or any subsequent federal decennial census; to provide that said sessions shall be in lieu of all other sessions now authorized by law, with the exception of those sessions provided by Section 27(1), Title 17, 1940 Code of Alabama; to validate all registrations in such counties made between August 1, 1961, and the date of the passage of this act.

Committee on Local Legislation.

By Mr. Robison (Montgomery) (By Request):

S. 468. To amend Section 448, Title 52, Code of Alabama 1940, so as to provide for vocational training and to define training of students under Title 52, Chapter 22, Code of Alabama, 1940.

Committee on Education.

By Mr. Robison (Montgomery) (By Request):

S. 469. To amend Section 451 of Title 52 of the Code of Alabama, 1940 so as to provide for the course of study for students being trained under Chapter 22, Title 52, Code of Alabama, 1940.

Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 357. To make annual appropriations for the support, maintenance, and development of public education in Alabama for each of the fiscal years ending September 30, 1964 and September 30, 1965, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Board of Trustees of Alabama College, the Board of Trustees of Auburn University, the Board of Trustees of the University of Alabama, the Board of Trustees of the Alabama Institute for Deaf and Blind, the Board of Trustees of the Alabama Boys Industrial School, the Board of Trustees of the Alabama Industrial School for Negroes, the Board of Trustees of the State Training School for Girls, the Alabama Educational Television Commission, and for the Teachers' Retirement System.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor, relative to House Bill 357.

Respectfully submitted,
EARL C. MORGAN,
Executive Secretary.

August 16, 1963

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which the bill originated, House Bill 357, as substituted, with suggested executive amendments, as follows:

1. In Section 3 on Page 2 of the bill, insert the following subdivision:

F. For removal of illiteracy \$ 25,000.00

2. After Section 15 on Page 10 of the bill insert the following new section:

Section 15 A. ANNISTON MEMORIAL HOSPITAL SCHOOL OF NURSING:

For the operation and maintenance of the Anniston Memorial Hospital School of Nursing \$ 40,000.00

If the hereinabove suggested amendments are approved, it will remove my objections to the bill.

Respectfully,
GEORGE C. WALLACE,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 357, by a vote of Yeas 80 Nays 0, which was a majority of the whole number elected to the House.

And said Bill, H. B. 357, as thus amended by the Executive amendment, was again read at length and passed by a vote of Yeas 80 Nays 0, which was a majority of the whole number elected to the House.

And said Bill, H. B. 357, together with the amendment proposed by the Governor, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Nichols, the Rules were suspended and the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 357, the title of which and said proposed Executive amendment is set out in the foregoing Message from the House.

Yeas 32; Nays 0.

Yeas:

Messrs.	Eddins	Lowe	Reynolds
Adams	Evans	Mathews	Robison (Montgomery)
Allen	Gilchrist	McCain	Robison (Pickens)
Bentley	Givhan	McDow	Shelton
Brannan	Hammond	Metcalf	Smith
Carter	Hawkins	Montgomery	Taylor
Clark	Hornsby	Nichols	Tyson
Cooper	James	Oden	Wilson
Dumas			—32

Nays:

—0

Which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 357, as amended by the executive amendment was again read at length and passed.

Yeas 32; Nays 0.

Yeas:

Messrs.	Eddins	Lowe	Roberts
Adams	Evans	Mathews	Robison (Montgomery)
Allen	Gilchrist	McDow	Robison (Pickens)
Bentley	Givhan	Metcalf	Shelton
Brannan	Hawkins	Montgomery	Smith
Carter	Hornsby	Nichols	Taylor
Clark	James	Oden	Tyson
Cooper	Lolley	Reynolds	Wilson
Dumas			—32

Nays:

—0

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 44. Relative to interim fiscal advisory committee to the Governor.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Turnham:

H. J. R. 126. WHEREAS 4-H Clubs throughout the United States comprise a vast organization having a total enrollment of 2,200,000 boys and girls, 132,000 of whom are Alabamians; and

WHEREAS in addition to its large membership, 4-H Clubs are assisted by great numbers of volunteer leaders, similar to the 6,000 public spirited Alabama men and women who along with Auburn University Extension Service personnel, devote much time and effort in forwarding 4-H work; and

WHEREAS the 4-H Club program emphasizes Leadership and character development based on work. It is believed that through work boys and girls discover, develop, and put to practical use their individual talents and abilities with the result that they not only grow mentally, physically, and morally, but also acquire desirable personal traits which will equip them to assume the responsibilities of adult life; and

WHEREAS when 4-H was begun more than a half century ago, the sole object was to improve the lot of farm families by teaching boys and girls better methods of farming and homemaking, and a 4-H boy or girl was pictured as one with a calf; but today half of Alabama's 4-H members live in towns and cities with urban clubs growing faster than rural clubs and with projects geared to the needs of the area; and

WHEREAS though 4-H has changed with the times and has shown itself to be sensitive to the needs of the boys and girls of the individual community by adopting flexible and progressive programs of wide and varied interests, it has maintained its proven and successful policy of learning by doing; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That this body salutes Alabama's 132,000 4-H Club Members and their adult leaders and wishes them every success in their continuing efforts to make themselves more valuable citizens and Alabama a better state in which to live.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Smith, the Rules were suspended and the Resolution, H. J. R. 126, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 449. To amend Title 55, Sections 343 and 344, Code of Alabama 1940.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Goodwyn:

H. J. R. 123. WHEREAS today, August 16, is Industrial Appreciation Day for Lawrence County where many out of state visitors, various dignitaries, public officials, and representatives of industry are expected to be present; and

WHEREAS Lawrence County, located in the Tennessee Valley, consists of 686 square miles containing some of the richest farm lands in this State and in the Nation, is bound on the north by the mighty Tennessee River whose unlimited water supply is harnessed by Wheeler Dam and a series of other dams in the Tennessee Valley Authority, all of which contribute toward making this a highly navigable water-way providing low cost transportation of products to market, and which convert its water power into cheap electricity and steam; and

WHEREAS Lawrence County is an area of great potential wealth, blessed with a mild climate, the finest of recreational areas, good schools, and numerous natural resources, the greatest of which is its people who include a more than adequate labor supply; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That we join the people of Lawrence County in welcoming the many visitors to this area today, that we invite them to inspect industries there, and urge them to consider available sites for locating other industries and plants in a county which has so much to offer and in a state which provides such a favorable tax structure.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the "Moulton Advertiser" in Moulton, Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Gilchrist, the Rules were suspended and the Resolution, H. J. R. 123, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Rast, Collins, Sessions, Gilmore, Vacca, Bailes, Perry, Hawkins, Brown (Jefferson), Morrow, Bowers, Bethea (M), Bethea (B), and Locke:

H. 1134. To alter and re-arrange the boundary lines of the City of Mountain Brook, Alabama, so as to include within the corporate limits of said City, all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given of intention to apply at the present special session or any future special or regular session of the Legislature of Alabama, for introduction and passage of a Bill the substance of which, as distinguished from details, is and will be the substance, as distinguished from details of the following:

A BILL TO BE ENTITLED AN ACT

To alter and re-arrange the boundary lines of the City of Mountain Brook, Alabama, so as to include within the corporate limits of said City, all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

Be It Enacted by the Legislature of Alabama:

Section 1. That, from and after the passage and approval of this act, the boundary lines of the City of Mountain Brook, Jefferson County, Alabama, be and the same are altered and re-arranged, so as to include within the corporate limits of said City of Mountain Brook, Jefferson County, Alabama, in addition to the territory included within its present corporate limits, the territory lying and situated in Jefferson County, Alabama, contiguous to said city, more particularly described as follows:

All the lots and real estate located in the certain map and survey of Rast-Addition to Mountain Brook Crest Estates, recorded in Map Book 66, Page 78, in the Office of the Judge of Probate of Jefferson County, Alabama.

Section 2. All laws or parts of law which conflict with this act are repealed.

Section 3. That this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County in said State, personally appeared Sara Wheeler who, being by me first

duly sworn, deposes and says that she is the PUBLISHER of THE BIRMINGHAM MESSENGER, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established on the 13th day of September, 1930, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of July 13, 20, 27; August 3, 1963, a legal notice, a copy of which is hereto attached.

SARA WHEELER,
Publisher.

Sworn and subscribed to on this the 5th day of August, 1963.

ANGIE CAMPISI,
Notary Public.

Also:

By Messrs. Vacca, Gilmore, Brown (Jefferson), Rast, Bethea (M), Bowers, Collins, Etheredge, Morrow, Meeks, Hawkins and Bethea (B):

H. 1135. To authorize the governing body of any county having a population of 500,000 or more according to the last or any subsequent federal census to compensate any person for any injury to him or damage to his property by a motor vehicle operated by an employee of the county in the course of his employment where the governing body finds that the negligence of said employee was the proximate cause of such injury or damage, that the person who was injured or whose property was damaged was not guilty of any negligence proximately causing said injury or damage and that the circumstances of the injury or damage were such as to make compensation just and proper; and authorizing the county governing body to provide liability insurance for such purpose.

Also:

By Messrs. Vacca, Rast, Etheredge, Dominick, Meeks, Collins, Gilmore, Bailes, Perry, Hawkins, Brown (Jefferson), Morrow, Bowers, Locke and Sessions:

H. 1139. To establish an Interior Court in Precincts 9, 10, 21 and 42 in Jefferson County, Ala. and in all other precincts lying within or partly within the City of Birmingham, Ala. except Precincts 29, 45 and 52 in lieu of all justices of the peace in said precincts and in lieu of all notaries public with powers of justices of the peace, and in lieu of all other inferior courts created in lieu of justices of the peace heretofore created in said territory and with concurrent jurisdiction with all other justices of the peace and inferior courts in the Birmingham Division of Jefferson County, Alabama, to define the jurisdiction and powers of said court, the judge, clerks and other officers thereof: to provide for a place of holding said court, term and salary of said judge, the manner of his appointment and election, and the payment of his salary.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

NOTICE. A bill will be introduced in the next session of the legislature, special or general, to establish an inferior court in precincts 9, 10, 21, and 42 in Jefferson County, Ala., and in all other precincts

lying within or partly within the City of Birmingham, Ala., except precincts 29, 45 and 52 in lieu of all Justices of the Peace in said precincts and in lieu of all notaries public with powers of Justices of the Peace, and in lieu of all other inferior courts created in lieu of Justices of the Peace heretofore created in said territory and with concurrent jurisdiction with all other Justices of the Peace and inferior courts in the Birmingham Division of Jefferson County, Ala., to define the jurisdiction and powers of said court, the judge, clerks and other officers thereof; to provide for a place of holding said court, term and salary of said judge, the manner of his appointment and election.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA JEFFERSON COUNTY

Before me, the undersigned authority in and for said County in said State, personally appeared SARA WHEELER who, being by me first duly sworn, deposes and says that she is the PUBLISHER of THE BIRMINGHAM MESSENGER, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established on the 13th day of September, 1930, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of March 2, 9, 16, 23, 1963, a legal notice, a copy of which is hereto attached.

SARA WHEELER,
Publisher.

Sworn and subscribed to on this the 29th day of March, 1963.

ANGIE CAMPISI,
Notary Public.

Also:

By Messrs. Brown (Jefferson), Gilmore, Rast, Perry, Bethea (B), Etheredge, Morrow, Bowers, Dominick, Vacca, Hawkins, Collins, Bailes, Bethea (M) and Locke:

H. 1140. To establish an Inferior Court in Precinct 33 and all other precincts in Jefferson County, Alabama, lying within or partly within the City of Bessemer, in lieu of all Justices of the Peace in said precinct or precincts and in lieu of all other Inferior Courts created in lieu of Justices of the Peace heretofore created in said territory, said Court to be called the Bessemer County Court. To define the jurisdiction and powers of said Court and the officers thereof; to provide for the election or appointment of the Judge, Clerk, and other officers of said Court; to fix the terms or tenure of office of the officers of said Court and provide for their salaries and compensation and the method of payment of same; to provide the procedure in said Court and fix the methods of service of all processes therefrom, to designate the officials to serve processes issued by said Court and provide compensation therefor; to designate the officers of said Court, and define their duties and the duties of other officials with respect to said Court; and to otherwise provide for said Court.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

There will be introduced at the Alabama Legislature the following bill to become a Local Act.

A BILL
TO BE ENTITLED
AN ACT

To establish an Inferior Court in Precinct 33 and all other precincts in Jefferson County, Alabama, lying within or partly within the City of Bessemer, in lieu of all Justices of the Peace in said precinct or precincts and in lieu of all other Inferior Courts created in lieu of Justices of the Peace heretofore created in said territory, said Court to be called the Bessemer County Court. To define the jurisdiction and powers of said Court and the officers thereof; to provide for the election or appointment of the Judge, Clerk, and other officers of said Court; to fix the terms or tenure of office of the officers of said Court and provide for their salaries and compensation and the method of payment of same; to provide the procedure in said Court and to fix the method of service of all processes therefrom, to designate the officials to serve processes issued by said Court and provide compensation therefor; to designate the officers of said Court and define their duties and the duties of other officials with respect to said Court; and to otherwise provide for said Court.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
JEFFERSON COUNTY.

Before me, the undersigned Notary Public in and for the State and County aforesaid, personally appeared: B. M. McElroy, Who being duly sworn, says on oath that he is: EDITOR-PUBLISHER of The Bessemer Advertiser, a newspaper published in the City of Bessemer, Jefferson County, Alabama, and that a legal notice was published for four weeks, consecutively, in said newspaper, a copy of which notice is hereto attached and made a part of this affidavit, and that the dates on which same was published were: Jan. 18-25—Feb. 1-8, 1963 and that the amount indicated hereon is a true and correct statement of the charges for publishing said notice.

Affiant further states that said newspaper is a newspaper having a general circulation in the county in which it is published, and that it has been mailed under second class mailing privilege for fifty-two (52) consecutive weeks prior to the publication of the foregoing advertisement.

B. M. McELROY,
Editor-Publisher.

Subscribed and sworn to before me this the 11 day of Feb. 1963.

W. E. MILLER,
Notary Public.

Also:

By Messrs. Rast, Etheredge, Vacca, Dominick, Meeks, Sessions, Collins, Gilmore, Bales, Perry, Hawkins, Brown (Jefferson), Morrow, Bowlers, Bethea (M), Bethea (B) and Locke:

H. 1141. To amend Act No. 502 of the Legislature of Alabama of 1923, approved September 29, 1923, (General Acts of Alabama of 1923, Page 663, Et Seq.), as re-enacted by Act No. 283 of the Legislature of Alabama of 1943, approved June 28, 1943, (General Acts of Alabama of 1943, page 241 Et Seq.), as heretofore amended.

Also:

By Messrs. Rast, Etheredge, Vacca, Dominick, Meeks, Sessions, Collins, Gilmore, Bailes, Perry, Hawkins, Brown (Jefferson), Morrow, Bowers, Bethea (M), Bethea (B) and Locke:

H. 1142. To amend Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951, Acts of Alabama 1951, page 1579, Et Seq., as heretofore amended.

Also:

By Messrs. Rast, Etheredge, Vacca, Meeks, Sessions, Collins, Gilmore, Bailes, Perry, Hawkins, Brown (Jefferson), Morrow, Bowers, Bethea (M), Bethea (B), and Locke:

H. 1143. To amend Act No. 556 of the Legislature of Alabama of 1959, approved November 19, 1959, Acts of Alabama of 1959, page 1376 Et Seq.

Also:

By Messrs. Etheredge, Rast, Vacca, Dominick, Meeks, Sessions, Collins, Gilmore, Bailes, Perry, Hawkins, Morrow, Bowers, Bethea (M), Bethea (B) and Locke:

H. 1144. To apply in all counties having a population of not less than 500,000 inhabitants, according to the last or any subsequent Federal decennial census; To prescribe additional qualifications for holding the office of judge of probate in counties where equity jurisdiction has been conferred on such officer or vested in such office.

Also:

By Messrs. Etheredge, Rast, Vacca, Meeks, Sessions, Collins, Gilmore, Bailes, Perry, Brown (Jefferson), Morrow, Bowers, Bethea (M) and Locke:

H. 1145. To provide an additional method of annexing territory to all municipalities in counties of the state having a population of 600,000 or more inhabitants according to the last or any subsequent Federal census.

Also:

By Messrs. Rast, Etheredge, Vacca, Dominick, Meeks, Sessions, Collins, Gilmore, Bailes, Perry, Hawkins, Brown (Jefferson), Morrow, Bowers and Bethea (M):

H. 1146. To apply in and only in each city in this state having a population of 300,000 or more, according to the last or any subsequent decennial Federal census; to provide for the creation of the office of City Magistrate and the appointment of City Magistrates; to define the qualifications, powers and duties of City Magistrates; and to provide for search warrants and warrants of arrest.

Also:

By Messrs. Rast, Etheredge, Vacca, Dominick, Meeks, Sessions, Collins, Gilmore, Bailes, Perry, Hawkins, Brown (Jefferson), Morrow, Bowers, Bethea (M), Bethea (B) and Locke:

H. 1147. To provide an additional and alternate method of issuing licenses and the paying for same in counties having a population of 500,000 or more according to the 1960 or any succeeding decennial census.

Also:

By Messrs. Rast, Etheredge, Vacca, Dominick, Meeks, Sessions, Collins, Gilmore, Bailes, Perry, Hawkins, Brown (Jefferson), Morrow, Bowers, Bethea (M), Bethea (B) and Locke:

H. 1148. To provide that in each criminal case, quasi criminal case, proceeding on a forfeited bail bond in the Circuit Court or in each criminal case in any statutory inferior court in Jefferson County, Alabama, there shall be taxed a witness fee of one (\$1.00) dollar for each deputy sheriff subpoenaed in any such case. That such witness fee shall be collected by the clerks of the courts, and that of the total of such fees collected on account of any one deputy sheriff on the same day, only the sum of one (\$1.00) dollar shall be paid to said deputy sheriff witness, and the balance of said witness fees collected on said cases on account of deputy sheriff witnesses shall be paid monthly to the Treasurer of said county for the use of and benefit of the retirement fund of the retirement system established by Act Number 551 of the Legislature of Alabama of 1953, approved September 9, 1953, General Acts of Alabama of 1953, Page 766, et seq., until benefits are being paid from said retirement fund at the maximum rates provided for by said Act No. 551, and to provide that thereafter the aforesaid balance of said witness fees shall be paid monthly to the Treasurer of said County for the use and benefit of the retirement fund established by Act No. 843 of the Legislature of Alabama of 1961, approved September 8, 1961, Acts of Alabama of 1961, pages 1250, et seq.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the present session of the Legislature of ALABAMA application will be made to the Legislature that the following bill be enacted:

A BILL TO BE ENTITLED AN ACT

To Provide that in each criminal case, Quasi Criminal Case, proceeding on a forfeited bail bond in the Circuit Court or in each Criminal Case in any statutory Inferior Court in Jefferson County, Alabama, there shall be taxed a witness fee of one (\$1.00) Dollar for each Deputy Sheriff subpoenaed in any such case. That such witness fee shall be collected by the clerks of the courts, and that of the total of such fees collected on account of any one Deputy Sheriff on the same day, only the sum of one (\$1.00) dollar shall be paid to said Deputy

Sheriff witness, and the balance of said witness fees collected on said cases on account of Deputy Sheriff Witnesses shall be paid monthly to the Treasurer of said County for the use of and benefit of the Retirement Fund of the Retirement System established by Act Number 551 of the Legislature of Alabama of 1953, Approved September 9, 1953, General Acts of Alabama of 1953, Page 766, et seq., until benefits are being paid from said Retirement Fund at the maximum rates provided for by said Act No. 551, and to provide that thereafter the aforesaid balance of said witness fees shall be paid monthly to the treasurer of said county for the use and benefit of the Retirement Fund established by Act No. 843 of the Legislature of Alabama of 1961, approved September 8, 1961, Acts of Alabama of 1961, Pages 1250, et seq.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to Jefferson County, Alabama.

Section 2 (a). Subject to the conditions specified in subsection (c) below, in each criminal case, quasi criminal case, proceeding on a forfeited bail bond in the Circuit Court or in each criminal case in any statutory inferior court in Jefferson County, Alabama, there shall be taxed a witness fee of One (\$1.00) Dollar for each deputy sheriff subpoenaed in any such case.

(b) Subject to the conditions specified in subsection (c) below, such witness fee shall be collected by the clerks of the Courts, and the total of such fees collected on account of any one deputy sheriff on the same day, only the sum of One (\$1.00) Dollar shall be paid to the said deputy sheriff witness, and the balance of said witness fees collected on said cases on account of deputy sheriff witnesses shall be paid monthly to the Treasurer of the County for the use of and benefit of the retirement fund of the retirement system established by Act No. 551 of the Legislature of Alabama of 1953, approved September 9, 1953, General Acts of Alabama of 1953, page 766, et seq. until the benefits are being paid from the said retirement fund at the maximum rates provided for by said Act No. 551, and thereafter the aforesaid balance of said witness fees shall be paid monthly to the Treasurer of said County for the use and benefit of the retirement fund established by Act No. 843 of the Legislature of Alabama of 1961, approved September 8, 1961, Acts of Alabama of 1961, page 1250, et seq.

(c) In those cases where the defendant is required to serve time in lieu of payment of costs, no witness fee on account of said deputy sheriff shall be collected and such witness fees that shall be paid into either of the retirement funds above mentioned shall be limited to two witness fees in any one case.

Section 3. If any part of this Act shall be held invalid, such holding shall not affect the validity of the remaining parts of the said Act.

Section 4. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared Eleanor O. Abercrombie who, being by me

first duly sworn, deposes and says that she is the Publisher of Alabama Legal Advertiser, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established in 1918 under the name of Southern Labor Review which said name was changed to Alabama Legal Advertiser on the 5th day of December, 1959, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of July 20, July 27, August 3, August 10, 1963, a legal notice, a copy of which is hereto attached.

ELEANOR O. ABERCROMBIE,
Publisher.

Sworn and subscribed to on this the 12 day of August, 1963.

MILDRED M. GRIFFIN,
Notary Public.

Also:

By Messrs. Rast, Etheredge, Vacca, Dominick, Meeks, Collins, Gilmore, Bailes, Perry, Brown (Jefferson), Morrow, Bowers, Hawkins, Bethea (M) and Sessions:

H. 1149. To authorize the Mayor or other chief executive officer of any city of this State having a population of 300,000 persons or more, according to the last or any subsequent federal census to provide himself with a passenger automobile equipped with radio receiving and sending equipment and to be owned, operated and maintained for the use of such mayor all at the expense of such city.

Also:

By Messrs. Rast, Etheredge, Vacca, Dominick, Meeks, Collins, Gilmore, Bailes, Perry, Brown (Jefferson), Morrow, Bowers, Hawkins, Bethea (M) and Sessions:

H. 1150. To provide for and fix the sum of three hundred dollars per month as an allowance for expenses for the mayor or other chief executive officer of any city having a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census for which he shall not be required to file an accounting.

Also:

By Messrs. Rast, Etheredge, Vacca, Dominick, Meeks, Collins, Gilmore, Bailes, Perry, Hawkins, Brown (Jefferson), Morrow, Bowers and Sessions:

H. 1151. To amend section 4.04 of Act No. 452, H. 974, Regular Session 1955, approved September 9, 1955 (Acts of 1955, p. 1004) as amended, providing a mayor-council form of government for all cities having a population of more than 200,000 inhabitants.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 1134, 1135, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150 and 1151 — to the Committee on Public Buildings and Grounds

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Goodwyn, Pierce and Little:

H. 1209. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 33 and 34, Township 16 North, Range 18 East and Sections 3 and 4, Township 15 North and Range 18 East, Montgomery County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given of the intention to apply to the Legislature of Alabama for passage of a law in substance as follows:

A BILL TO BE ENTITLED AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 33 and 34, Township 16 North, Range 18 East and Sections 3 and 4, Township 15 North and Range 18 East, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama be, and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said city certain additional territory lying within the following described boundaries, to-wit:

Beginning at the common corner of Sections 27, 28, 33, and 34, all in Township 16 North, Range 18 East, and running thence south along the west line of said Section 34 to the southwest corner of the Northwest $\frac{1}{4}$ of Section 34; thence turning and running west along the east-west half section line of Section 33, T 16, R 18, to the east side of the Woodley Road; thence turning and running in a southeasterly direction along the east side of the Woodley road a distance of 5,223.4 feet, more or less; thence turning and running North 49 degree — 07' East 440.67 feet; thence South 82 degree — 52' East 2,000.59 feet, more or less to a point in the north-south half section line of Section 3, Township 15 North, Range 18 East; thence north along said half-section line a distance of 1,786.27 feet to the north-east corner of the Northwest $\frac{1}{4}$ of Section 3, T 15, R 18, said point also being the Southeast corner of the West $\frac{1}{2}$ of Section 34, T 16, R 18; thence north along the north-south

half section line of said Section 34 to the north line of said Section 34 at the Northeast corner of said West $\frac{1}{2}$ of Section 34; thence west along the north line of Section 34, T. 16, R. 18, to the northwest corner thereof, the point of beginning.

Section 2. That this act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF MONTGOMERY

Before me, Kathleen F. Oswald, a Notary Public in and for said State and County personally appeared Betty Shine bookkeeper for "The Advertiser Company, Inc.", publishers of the Alabama Journal, a newspaper published in the City of Montgomery, and State of Alabama, who, being by me first duly sworn, deposes and says that the foregoing and attached is a true copy of a "Legal Notice" which appeared in the regular editions of the said newspaper published in said City and County of Montgomery on July 13, July 20, July 27 and Aug. 3, 1963.

BETTY SHINE,

Sworn to and subscribed before me, this the 5th day of August, 1963.

KATHLEEN F. OSWALD,
Notary Public.

Also:

By Mr. Cornett:

H. 1210. To provide for branch banking in Russell County.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF RUSSELL

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide for branch banking in Russell County.

Be It Enacted by the Legislature of Alabama:

Section 1. After the effective date of this Act any established Bank which is authorized by its charter or by law to do a general banking business in Russell County may, with the written consent of the State Department of Banks, open, establish, and operate branch banks, branch offices or places for doing a banking business anywhere within the County, any other provision of law to the contrary notwithstanding.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF RUSSELL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Miss Isabel A. Moses, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Publisher of the Phenix Girard Journal, a newspaper of general circulation published in Russell County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said newspaper on July 19, July 26, August 2, and August 9, all in the year 1963.

ISABEL A. MOSES,

Sworn to and subscribed before me this 9 day of August, 1963.

JOSEPH W. SMITH,
Notary Public, Russell County, Ala.

Also:

By Messrs. Camp and Bolton:

H. 1214. Relating to counties having populations of not less than 65,000 nor more than 85,000, according to the most recent federal decennial census; prohibiting the judge of probate and notaries employed by him from charging certain fees.

Also:

By Mr. Brown (Tuscaloosa):

H. 1215. To apply only in counties of the state having populations of not less than 100,000 nor more than 115,000 inhabitants according to the last or any subsequent federal decennial census, to further regulate the taking of fish from public streams and impounded waters; authorizing the taking of catfish by the use of baskets, including wire mesh baskets, on which a privilege license tax has been paid.

Also:

By Messrs. Callahan, Brown (Tuscaloosa), and Campbell (Tuscaloosa):

H. 1217. Relating to counties having populations of not less than 100,000 nor more than 115,000 according to the most recent federal decennial census, creating the County Coordinating Committee for the promotion of economic, cultural, and educational welfare of such county.

Also:

By Messrs. Callahan and Brown (Tuscaloosa):

H. 1218. Relating to counties having populations not less than 100,000 nor more than 115,000 according to the latest or any subsequent Federal census and providing additional duties and responsibilities for the Judge of Recorder's Courts in such counties and providing for such Judges to fix bail and approve bail bonds for persons bound over to the Grand Jury by such Judge.

Also:

By Mr. Callahan:

H. 1219. For the relief of Peggy Cook, a minor child, authorizing and requiring the county governing body of Tuscaloosa County, Alabama, to make an appropriation from the county treasury to compensate the said Peggy Cook for certain damages sustained by said minor child, Peggy Cook.

With notice and proof thereto attached and herewith exhibited as follows:

THE STATE OF ALABAMA
COUNTY OF TUSCALOOSA

NOTICE

Notice is hereby given of intention to apply at the next regular or special session of the Legislature of Alabama, for introduction and passage of a bill the substance of which, as distinguished from details, is and will be in substance, as distinguished from details, the following:

A BILL TO BE ENTITLED AN ACT

For the relief of Peggy Cook, a minor child, authorizing and requiring the county governing body of Tuscaloosa County, Alabama, to make an appropriation from the county treasury to compensate the said Peggy Cook for certain damages sustained by said minor child, Peggy Cook.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue or other like governing body of Tuscaloosa County, Alabama, is hereby authorized and required to appropriate from the county treasury, the sum of Five Thousand and No/100 (\$5,000.00) Dollars, for the relief of Peggy Cook, a minor child, and to compensate her for damages for injuries inflicted upon said minor child, Peggy Cook, on the 20th day of October, 1961, wherein there was a defect in a county bridge causing the said Peggy Cook to sustain injuries to her person in an automobile wreck.

Section 2. The said governing body of Tuscaloosa County is hereby authorized to draw its voucher on the county treasury for said sum and to pay the same to said Peggy Cook, a minor child.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

STATE OF ALABAMA
TUSCALOOSA COUNTY

I hereby certify that the attached notice was published in Graphic, a newspaper published in and having a general circulation in the City and County of Tuscaloosa, Alabama, once a week for four consecutive weeks; viz May 2, May 9, May 16, and May 23, 1963.

BETTY PEARY,
Legal Clerk.

Subscribed and sworn to before me on this the 7th day of August, 1963.

KARL S. ELEBASH, JR.
Notary Public.

Also:

By Mr. Callahan:

H. 1220. For the relief of Willard Cook, authorizing and requiring the County governing body of Tuscaloosa County, Alabama, to make an appropriation from the county treasury to compensate the said Willard Cook for certain damages sustained by said Willard Cook.

With notice and proof thereto attached and herewith exhibited as follows:

THE STATE OF ALABAMA
COUNTY OF TUSCALOOSA

NOTICE

Notice is hereby given of intention to apply at the next regular or special session of the Legislature of Alabama, for introduction and passage of a bill the substance of which, as distinguished from details, is and will be in substance, as distinguished from details, the following:

A BILL
TO BE ENTITLED
AN ACT

For the relief of Willard Cook, authorizing and requiring the county governing body of Tuscaloosa County, Alabama, to make an appropriation from the county treasury to compensate the said Willard Cook for certain damages sustained by said Willard Cook.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue or other like governing body of Tuscaloosa County, Alabama, is hereby authorized and required to appropriate from the county treasury, the sum of Four Thousand and No/100 (\$4,000.00) Dollars, for the relief of Willard Cook, and to compensate her for damages for injuries inflicted upon

her, Willard Cook, on the 20th day of October, 1961, wherein there was a defect in a county bridge causing the said Willard Cook to sustain injuries to her person in an automobile wreck.

Section 2. The said governing body of Tuscaloosa County is hereby authorized to draw its voucher on the county treasury for said sum and to pay the same to Willard Cook.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

STATE OF ALABAMA
TUSCALOOSA COUNTY

I hereby certify that the attached notice was published in Graphic, a newspaper published in and having a general circulation in the City and County of Tuscaloosa, Alabama, once a week for four consecutive weeks; viz May 2, May 9, May 16, and May 23, 1963.

BETTY PEARY,
Legal Clerk.

Subscribed and sworn to before me on this the 7th day of August, 1963.

KARL S. ELEBASH, JR.
Notary Public.

Also:

By Mr. Callahan:

H. 1221. For the relief of Irene Hallman, authorizing and requiring the county governing body of Tuscaloosa County, Alabama, to make an appropriation from the county treasury to compensate the said Irene Hallman for certain damages.

With notice and proof thereto attached and herewith exhibited as follows:

THE STATE OF ALABAMA
COUNTY OF TUSCALOOSA

NOTICE

Notice is hereby given of intention to apply at the next regular or special session of the Legislature of Alabama, for introduction and passage of a bill the substance of which, as distinguished from details, is and will be in substance, as distinguished from details, the following:

A BILL
TO BE ENTITLED
AN ACT

For the relief of Irene Hallman, authorizing and requiring the county governing body of Tuscaloosa County, Alabama, to make an appropriation from the county treasury to compensate the said Irene Hallman for certain damages.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue or other like governing body of Tuscaloosa County, Alabama, is hereby authorized and required to appropriate from the county treasury, the sum of Four Thousand and No/100 (\$4,000.00) Dollars, for the relief of Irene Hallman, and to compensate her for damages for injuries inflicted upon her on the 20th day of October, 1961, wherein there was a defect in a county bridge causing the said Irene Hallman to sustain injuries to her person, and damages to her property, in an automobile wreck.

Section 2. The said governing body of Tuscaloosa County is hereby authorized to draw its voucher on the county treasury for said sum and to pay the same to the said Irene Hallman.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

**STATE OF ALABAMA
TUSCALOOSA COUNTY**

I hereby certify that the attached notice was published in Graphic, a newspaper published in and having a general circulation in the City and County of Tuscaloosa, Alabama, once a week for four consecutive weeks; viz May 2, May 9, May 16, and May 23, 1963.

**BETTY PEARY,
Legal Clerk.**

Subscribed and sworn to before me on this the 7th day of August, 1963.

**KARL S. ELEBASH, JR.
Notary Public.**

Also:

By Messrs. Campbell (Tuscaloosa), Brown (Tuscaloosa) and Callahan:

H. 1222. Relating to counties having populations of not less than 100,000 nor more than 116,000 according to the most recent federal decennial census, regulating the annual term of service and compensation of members of the county board of equalization.

**JOHN W. PEMBERTON,
Clerk.**

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 1209, 1210, 1214, 1215, 1217, 1218, 1219, 1220, 1221, and 1222 — to the Committee on Local Legislation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Hogan, McDermott, Rogers and Engel:

H. 1194. To amend Section 2, Act No. 218, H. B. 404, Regular Session 1963, an act relating to counties having populations of not less than 300,000 nor more than 500,000.

Also:

By Mr. Rogers:

H. 1195. To amend Section 231, Title 51, Code of Alabama 1940, in relation to counties having populations of not less than 300,000 nor more than 500,000.

Also:

By Mr. Rogers:

H. 1196. Relating to Mobile County, to authorize non-residents who are arrested for certain misdemeanors relative to the operation of motor vehicles on the public roads and highways to secure their release by posting a cash sum with the sheriff of the county in lieu of an appearance bond.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Mobile County, to authorize non-residents who are arrested for certain misdemeanors relative to the operation of motor vehicles on the public roads and highways to secure their release by posting a cash sum with the sheriff of the county in lieu of an appearance bond.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Any non-resident of Mobile County who is arrested for a violation of any of the provisions of Title 36, Code of Alabama 1940, as amended, or of any other law or a duly promulgated rule or regulation relative to the operation of a motor vehicle on the roads and highways of this State which is punishable as a misdemeanor may, in lieu of giving bond to secure his release from custody, deposit with the sheriff of the county cash bail in such sum as the sheriff may prescribe, such sum to be paid over by him to the clerk of the court to which the writ is returnable before the date the case is to be tried, as a guaranty that such person will appear and answer the charges or forfeit the same to the State.

(b) The provisions of this Act shall not apply to any person arrested and charged with an offense causing or contributing to an accident resulting in injury or death to any person, nor to any person

charged with driving while under the influence of intoxicating liquor or of narcotic or other drugs, nor to any person whom the arresting officer shall have good cause to believe has committed a felony, nor to any person who is charged with the offense of illegally transporting liquor.

Section 2. Cash bail deposits shall be forfeited in all respects in the same manner that bail bonds are forfeited.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this Act are cumulative and shall not be construed to repeal or supersede any laws providing other or different means by which a defendant may secure his release from custody after an arrest.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MOBILE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Stanton Dann, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of The Mobile Journal, a newspaper of general circulation published in Mobile County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 12th, July 19th, July 26th, and August 2nd, all in the year 1963.

STANTON DANN,

Sworn to and subscribed before me August 2nd, 1963.

J. T. HAMRICK,
Title Notary Public.

Also:

By Mr. Rogers:

H. 1197. To authorize the probate judge of Mobile County to destroy or otherwise dispose of certain papers and documents filed for record in his office under certain conditions.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize the probate judge of Mobile County to destroy or otherwise dispose of certain papers and documents filed for record in his office under certain conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate of Mobile County is authorized and empowered to destroy or otherwise dispose of any deed, mortgage or other like instrument filed for record in his office when the owner thereof fails to provide a forwarding address to which such paper or document may be mailed after recording and fails to claim or demand the return of such paper or document within two years from the date such paper or document was filed for record.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MOBILE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Stanton Dann, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of The Mobile Journal, a newspaper of general circulation published in Mobile County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 12th, July 19th, July 26th, and August 2nd, all in the year 1963.

STANTON DANN,

Sworn to and subscribed before me August 2nd, 1963.

J. T. HAMRICK,
Title Notary Public.

Also:

By Mr. Rogers:

H. 1201. Relating to Mobile County; to provide that the judge of probate may adopt reasonable rules and regulations either limiting public access to the drawer files or other such files in which micro-filmed records are stored or maintained, or prohibit the use of such files or drawer files of microfilmed records except by, or with the assistance of, an authorized clerk in the office of the probate judge.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Mobile County; to provide that the judge of probate may adopt reasonable rules and regulations either limiting public access to the drawer files or other such files in which microfilmed records are stored or maintained, or prohibit the use of such files or drawer files of microfilmed records except by, or with the assistance of, an authorized clerk in the office of the probate judge.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate of Mobile County may adopt and promulgate reasonable rules and regulations either limiting public access to the drawer files or other files in which microfilmed records are stored or maintained, or prohibit the use of such files or drawer files except by, or with the assistance of, an authorized clerk in the office of the judge of probate.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MOBILE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Stanton Dann, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of The Mobile Journal, a newspaper of general circulation published in Mobile County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 12th, July 19th, July 26th, and August 2nd, all in the year 1963.

STANTON DANN,

Sworn to and subscribed before me August 2nd, 1963.

J. T. HAMRICK,
Title Notary Public.

Also:

By Mr. Rogers:

H. 1202. Relating to Mobile County; to authorize the board of revenue, court of county commissioners, or other like governing body

to provide the various officers of said county with the necessary quarters, books, stationery, office equipment, postage, and other such conveniences, supplies and equipment for the proper and efficient conduct of the official business of their offices.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Mobile County; to authorize the board of revenue, of county commissioners, or other like governing body to provide the various offices of said county with the necessary quarters, books, stationery, office equipment, postage, and other such conveniences, supplies and equipment for the proper and efficient conduct of the official business of their offices.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or other like governing body of Mobile County may provide the various officers of the county with such quarters, books, stationery, office equipment, postage and other conveniences, supplies and equipment as the board may in its discretion deem necessary or convenient for the proper and efficient conduct of the official business of their offices.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MOBILE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Stanton Dann, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of The Mobile Journal, a newspaper of general circulation published in Mobile County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Ala-

bama, said notice having appeared in the issues of said paper on July 12th, July 19th, July 26th, and August 2nd, all in the year 1963.

STANTON DANN,

Sworn to and subscribed before me August 2nd, 1963.

J. T. HAMRICK,
Title Notary Public.

Also:

By Mr. Rogers:

H. 1203. Relating to Mobile County; to authorize the board of revenue, court of county commissioners, or other like governing body of said county to promulgate and adopt rules and regulations governing the use of mufflers, underwater exhausts, or other such devices capable of adequately muffling the sound of the exhaust of internal combustion engines which are used to propel motorboats over public waters within said county; to provide for the enforcement of the Act; and to prescribe penalties for violations of the Act, or any rule or regulation promulgated and adopted under the provisions thereof.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Mobile County; to authorize the board of revenue, court of county commissioners, or other like governing body of said county to promulgate and adopt rules and regulations governing the use of mufflers, underwater exhausts, or other such devices capable of adequately muffling the sound of the exhaust of internal combustion engines which are used to propel motorboats over public waters within said county; to provide for the enforcement of the Act; and to prescribe penalties for violations of the Act, or any rule or regulation promulgated and adopted under the provisions thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in Mobile County.

Section 2. The board of revenue, court of county commissioners, or other like governing body of Mobile County is hereby authorized to promulgate and adopt, by appropriate ordinance or resolution, rules and regulations governing the use of mufflers, underwater exhausts, or other such devices capable of adequately muffling the sound of the exhaust of internal combustion engines which are used to propel motorboats over any stream, river, lake, or other public waters within the boundaries of said county. The county governing

body may require the use of such muffling devices on the engines of motorboats which are operated in any specified area or areas of the county, but the ordinance or resolution adopting such requirement shall clearly define and describe such area or areas.

Section 3. Any person possessing the powers of a police officer in said county is hereby authorized and directed to assist the county governing body in enforcing the rules and regulations promulgated and adopted under the provisions of this Act.

Section 4. Any person who violates any provision of this Act, or who violates any rule or regulation promulgated and adopted by the county governing body under the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction shall be punished as prescribed by law.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MOBILE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Stanton Dann, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of The Mobile Journal, a newspaper of general circulation published in Mobile County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 12th, July 19th, July 26th, and August 2nd, all in the year 1963.

STANTON DANN,

Sworn to and subscribed before me August 2nd, 1963.

J. T. HAMRICK,
Title Notary Public.

Also:

By Mr. Rogers:

H. 1205. Relating to Mobile County, to prescribe additional qualifications for holding the office of judge of probate.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Mobile County, to prescribe additional qualifications for holding the office of judge of probate.

Be It Enacted by the Legislature of Alabama:

Section 1. Where equity jurisdiction has been conferred on the judge of probate of Mobile County or is vested in his office by general or local law, the judge must be learned in the law in addition to being possessed of all other qualifications prescribed by law.

Section 2. The provisions of this Act shall not apply to or affect the eligibility or qualifications of any person now holding the office of judge of probate, nor shall it be construed to affect the eligibility of any person now holding such office to succeed himself.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MOBILE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Stanton Dann, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of The Mobile Journal, a newspaper of general circulation published in Mobile County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 12th, July 19th, July 26th, and August 2nd, all in the year 1963.

STANTON DANN,

Sworn to and subscribed before me August 2nd, 1963.

J. T. HAMRICK,
Title Notary Public.

Also:

By Mr. Hester:

H. 1128. To Alter or Rearrange the Boundaries of the City of Russellville, as to Extend the Corporate Limits Thereof.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF FRANKLIN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To Alter or Rearrange the Boundaries of the City of Russellville, as to Extend the Corporate Limits Thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Russellville, in Franklin County, Alabama be and the same are hereby extended so as to include in the territory of said corporation the said City of Russellville in addition to the territory now embraced therein, the following described lands, to-wit:

The Southwest quarter and West half of the Southeast quarter of Section eighteen (18), Township six (6) South, Range eleven (11) West, being and situated in the County of Franklin, State of Alabama.

Section 2. This act shall become effective upon its passage and approval or otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF FRANKLIN

Before me a Notary Public, in and for said State and County, personally appeared Claude E. Sparks, co-owner and editor of the Franklin County Times, a newspaper published in said State and County, who being sworn according to law, deposes and says that the legal notice, copy of which is herewith attached, was duly published in the Franklin County Times for 4 consecutive weekly issues beginning with the issue of June 20, 1963 and ending with the issue of July 11, 1963.

CLAUDE E. SPARKS,

Subscribed and sworn to before me, this the 3 day of August, 1963 at Russellville, Ala.

MAE G. STREIT.
Notary Public.

My commission expires 2/19/66.

Also:

By Mr. Hester:

H. 1129. To Alter or Rearrange the Boundaries of the Town of Vina, Alabama, in the County of Franklin, so as to Extend the Corporate Limits Thereof.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF FRANKLIN

Notice is hereby given that a bill will be introduced in the Legislature of Alabama now in session, in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To Alter or Rearrange the Boundaries of the Town of Vina, Alabama, in the County of Franklin, so as to Extend the Corporate Limits Thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Vina, in Franklin County, Alabama, be and the same are hereby extended so as to include in the territory of said corporation of the said Town of Vina, in addition to the territory now embraced therein, the following described lands, to-wit: The S½ of Section 1, the N½ and SW¼ of Section 12, the E½ of Section 11, the SE¼ and NW¼ of Section 13, the E½ of Section 14, the NE¼ of Section 23, the N½ of Section 24, all in Township 8, Range 15, West. And the S½ of Section 6, the SW¼ of Section 5, the N½ and SE¼ of Section 7, the W½ of Section 8, the S½ and NE¼ of Section 18, the W½ of Section 17, the N½ of Section 19, and NW¼ of Section 20, all in Township 8, Range 14, West, all lying and being in Franklin County, Alabama.

Section 2. This Act shall become effective upon its passage and approval or otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF FRANKLIN

Before me a Notary Public, in and for said State and County, personally appeared Claude E. Sparks, co-owner and editor of the Franklin County Times, a newspaper published in said State and County, who being sworn according to law, deposes and says that the legal notice, copy of which is herewith attached, was duly published in the Franklin County Times for 4 consecutive weekly issues beginning with the issue of June 6, 1963 and ending with the issue of June 27, 1963.

CLAUDE E. SPARKS,

Subscribed and sworn to before me, this the 5th day of August, 1963 at Russellville, Ala.

MAE G. STREIT

Notary Public.

My commission expires 2/19/66.

Also:

By Mr. Hester:

H. 1130. To Alter or Rearrange the Boundaries of the City of Russellville, Alabama, in the County of Franklin, so as to Extend the Corporate Limits Thereof.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF FRANKLIN

Notice is hereby given that a bill will be introduced in the Legislature of Alabama now in session, in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To Alter or Rearrange the Boundaries of the City of Russellville, Alabama, in the County of Franklin, so as to Extend the Corporate Limits Thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Russellville, in Franklin County, Alabama, be and the same are hereby extended so as to include in the territory of said corporation of the said City of Russellville, in addition to the territory now embraced therein, the following described lands, to-wit: All land lying in Section 17 that lies North and West of the New U. S. Highway No. 43 which is not now included in said boundary lines; the SE¼ of Section 8; all of the SW¼ of Section 9 that lies North and West of the New U. S. Highway No. 43; the SE¼ of Section 17, all lying and being in Township 6 South, Range 11 West, all lying and being in Franklin County, Alabama.

Section 2. This Act shall become effective upon its passage and approval or otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF FRANKLIN

Before me a Notary Public, in and for said State and County, personally appeared Claude E. Sparks, co-owner and editor of the Franklin County Times, a newspaper published in said State and County, who being sworn according to law, deposes and says that the legal notice, copy of which is herewith attached, was duly published in the Franklin County Times for 4 consecutive weekly issues beginning with the issue of July 11, 1963 and ending with the issue of August 1, 1963.

CLAUDE E. SPARKS,

Subscribed and sworn to before me, this the 5th day of August, 1963 at Russellville, Ala.

MAE G. STREIT,
Notary Public.

My commission expires 2/19/66.

Also:

By Mr. McCorquodale:

H. 719. To provide for the relief of Nathan Mathews; appropriating state funds for such purpose.

Also:

By Messrs. Hain, Goodwyn, Vacca, Merrill, Burnham, Steagall, Callahan and Teel:

H. 893. To prescribe the time in which appeals may be made to the Supreme Court or to the Court of Appeals from decrees affecting the custody of children; and to provide that such cases so appealed shall be considered preferred cases.

Also:

By Messrs. Young, Grouby, Powell, Avery, Harper and Salter:

H. 837. Relating to prisons and prisoners; prescribing the formulation of a code of conduct for prisoners by the board of corrections and regulating the use thereof in relation to offenses by prisoners against the good order and discipline of prison administration.

Also:

By Mr. Crawford:

H. 901. Relating to administration of the Department of Industrial Relations; prescribing the salary of the executive assistant director of said Department.

Also:

By Messrs. Moore, Hester and Cantrell:

H. 305. To make an appropriation to the use of Town Creek Watershed Conservancy District for the promotion of public improvements.

Also:

By Messrs. Brown (Jefferson), Gilmore, Crawford, Bowers, Bethea (M), Meeks, Vacca, Sessions, Perry, Morrow, Etheredge, Rast, Bailes, Collins, Dominick, Campbell (Tuscaloosa) and Bethea (B):

H. 768. To provide that any city or town in the State having a commission form of Government may come within and be governed by the provisions of this Act upon the adoption and publication of an ordinance by the governing body thereof electing so to do; to provide that the members of the governing body serving at the time of the adoption of such ordinance shall continue to serve until the qualification of their successors; to provide that all laws, ordinances, resolutions, and appointments in force when the municipality comes under this Act shall remain in force until repealed or altered; to provide for the election and term of office of Commissioners; to establish the qualifications of candidates for commissioners positions; to provide for the distribution of the powers of the municipality among the commissioners; to provide for meetings of the board of Commissioners and the manner of adopting ordinances and resolutions; to provide that no franchise, lease or right shall become effective until thirty days after the granting thereof; to provide for the election of a recorder; to require the posting of a bond by Commissioners; to prohibit Commissioners from holding other public offices; to prohibit any Commissioner, Officer or Employee of the Municipality from having any interest in any contract with the Municipality; to bar persons related to any Commissioner from holding public office; to provide punishment for violation of such prohibitions; to require the publication of financial reports of the Municipality; to provide for the filling of any vacancies that may occur in the membership of the board; to provide for the salaries of Commissioners and other disbursements of the Municipality; to provide that meetings of the Board of Commissioners shall be open to the public; to provide a manner for changing the form of government of the Municipality; to provide for the presentation of a petition calling for the resignation of a Commissioner, and to establish requirements for the signing thereof; to provide a fee for the Judge of Probate for examining such petition; to provide a penalty for violation of the restrictions on signing such a petition; to provide for an election to recall a Commissioner and for the election of his successor; and to state the method for ascertaining qualified voters in Municipalities situated in more than one County.

Also:

By Messrs. Brown (Jefferson), Meeks, Gilmore and Vacca:

H. 1079. To amend Sections 773 and 778 of Title 37, Code of Alabama, relating to the publication of zoning ordinances; providing

that any zoning ordinance heretofore published in accordance with the provisions of this Act shall be deemed to have been lawfully published.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 1194, 1195, 1196, 1197, 1201, 1202, 1203, 1205, 1128, 1129 and 1130 — to the Committee on Local Legislation

H. B.'s 719, 901 and 305 — to the Committee on Finance and Taxation

H. B. 893 — to the Committee on Judiciary

H. B. 837 — to the Committee on Public Welfare and Correctional Institutions

H. B. 768 — to the Committee on Public Buildings and Grounds

H. B. 1079 — to the Committee on Municipalities and Municipal Organizations

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Brown (Jefferson), Gilmore, Bowers, Dominick, Bethea (M), Meeks, Vacca, Locke, Sessions, Perry, Morrow, Bethea (B), Etheredge, Bailes, Rast and Hawkins:

H. 1152. To amend Act No. 460, H. 685, Regular Session 1961 (Acts 1961, p. 497), an act relating to the salaries of and duties of the members of the commission or board of commissioners of cities having populations of not less than 32,500 nor more than 33,500.

Also:

By Messrs. Rast, Etheredge, Vacca, Meeks, Collins, Gilmore, Bailes, Perry, Hawkins, Brown (Jefferson), Morrow, Bowers, Locke and Sessions:

H. 1153. To amend further Section 94, Title 51, Code of Alabama of 1940 as amended, which relates to the term of service and compensation of members of boards of equalization, by establishing an additional classification therein.

Also:

By Messrs. Rast, Etheredge, Vacca, Dominick, Meeks, Collins, Gilmore, Bailes, Perry, Hawkins, Brown (Jefferson), Morrow, Bowers, Locke and Sessions:

H. 1154. To fix the compensation or salary of the Treasurer of all counties having a population of Six Hundred Thousand (600,000) or more according to the last or any subsequent Federal Census. To provide for the manner of payment thereof and to repeal all laws in conflict herewith.

Also:

By Messrs. Brown (Jefferson), Gilmore, Perry, Bethea (B), Etheredge, Sessions, Morrow, Bowers, Dominick, Vacca, Hawkins, Collins, Bailes and Locke:

H. 1155. To provide for the compensation to be paid the Deputy Circuit Solicitor who is elected by the people, and the Assistant Deputy Circuit Solicitor, in counties having a population of six hundred thousand or more, according to the last or any succeeding decennial federal census and to provide for the payment of the same and to provide the date when said act shall go into effect.

Also:

By Messrs. Rast, Bailes, Dominick, Gilmore, Etheredge, Collins, Vacca, Hawkins, Brown (Jefferson), Morrow, Bowers, Locke and Sessions:

H. 1156. To provide for the compensation to be paid the Circuit Solicitor, the First Deputy Circuit Solicitor, the Second Deputy Circuit Solicitor, the Third Deputy Circuit Solicitor, the Fourth Deputy Circuit Solicitor, the Fifth Deputy Circuit Solicitor, the Sixth Deputy Circuit Solicitor, the Deputy Circuit Solicitor appointed by the Solicitor to serve in any Inferior Criminal Court, County Criminal Court, or County Misdemeanor Court, now or hereafter created, the Deputy Circuit Solicitor appointed by the Solicitor to serve in any Juvenile Court, in counties having a population of six hundred thousand or more, according to the last or any succeeding decennial federal census and to provide for the payment of the same and to provide the date when said act shall go into effect.

Also:

By Messrs. Rast, Etheredge, Vacca, Dominick, Meeks, Collins, Gilmore, Bailes, Perry, Hawkins, Brown (Jefferson), Morrow, Bowers, Locke and Sessions:

H. 1157. To fix the compensation or salary of the judges of inferior courts having exclusive jurisdiction of juveniles in all counties having a population of 600,000 or more according to the last or any subsequent Federal census and to provide for the payment thereof.

Also:

By Messrs. Rast, Etheredge, Vacca, Dominick, Meeks, Collins, Gilmore, Bailes, Perry, Hawkins, Brown (Jefferson), Morrow, Bowers and Locke:

H. 1158. To fix the compensation or salary of judges of inferior courts that have jurisdiction over suits where the amounts in controversy are not less than One Hundred Dollars (\$100.00) nor more than Three Thousand Dollars (\$3,000.00) in counties having a population of 600,000 or more according to the last or any subsequent Federal census and to provide for the payment thereof.

Also:

By Messrs. Rast, Etheredge, Vacca, Dominick, Meeks, Collins, Gilmore, Bailes, Perry, Hawkins, Brown (Jefferson), Morrow, Bowers, Locke and Sessions:

H. 1159. To fix the compensation or salary of the judges of inferior courts having preliminary felony jurisdiction in all counties having a population of 600,000 or more according to the last or any subsequent Federal census and to provide for the payment thereof.

Also:

By Messrs. Brown (Jefferson), Gilmore, Rast, Sessions, Perry, Bethea (B), Etheredge, Morrow, Bowers, Dominick, Vacca, Hawkins, Collins, Bailes and Locke:

H. 1160. Relating to counties having populations of 600,000 or more; prescribing the salary of the assistant sheriff of such counties.

Also:

By Messrs. Rast, Etheredge, Vacca, Dominick, Meeks, Collins, Gilmore, Bailes, Perry, Hawkins, Brown (Jefferson), Morrow, Bowers, Locke and Sessions:

H. 1161. To fix the compensation or salary of the Sheriff of all counties having a population of Six Hundred Thousand (600,000) or more according to the last or subsequent Federal census. To provide for the manner of payment thereof and to repeal all laws in conflict herewith.

Also:

By Messrs. Rast, Etheredge, Vacca, Dominick, Meeks, Collins, Bailes, Perry, Hawkins, Brown (Jefferson), Morrow, Bowers, Locke and Sessions:

H. 1162. To fix the compensation or salary of the President and members of the County Commission, or other governing body, of all counties having a population of six hundred thousand (600,000) or more according to the last or any subsequent federal census. To provide for the manner of payment thereof and to repeal all laws in conflict herewith.

Also:

By Messrs. Rast, Etheredge, Vacca, Dominick, Meeks, Collins, Gilmore, Bailes, Perry, Hawkins, Brown (Jefferson), Morrow, Bowers, Locke and Sessions:

H. 1163. To fix the salary of the Register of the Circuit Court of the Tenth Judicial Circuit of Alabama (Jefferson County) and to regulate the payment of the same.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that application will be made through the Legislature of Alabama, at its 1963 Session, for the passage of an

act to increase the salary of the Register of the Circuit Court of Jefferson County, Alabama, Tenth Judicial Circuit of Alabama, in Equity, Birmingham Division.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County in said State, personally appeared Sara Wheeler who, being by me first duly sworn, deposes and says that she is the Publisher of The Birmingham Messenger, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established on the 13th day of September, 1930, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of June 15, 22, 29; July 6, 1963, a legal notice, a copy of which is hereto attached.

SARA WHEELER,
Publisher.

Sworn and subscribed to on this the 8th day of July, 1963.

ANGIE CAMPISI,
Notary Public.

Also:

By Messrs. Rast, Etheredge, Vacca, Dominick, Meeks, Collins, Gilmore, Bales, Perry, Hawkins, Brown (Jefferson), Morrow, Bowers, Locke and Sessions:

H. 1164. To fix the compensation or salaries of the Tax Assessors and Tax Collectors in counties of 500,000 inhabitants or more, according to the last or any subsequent Federal census, and to require such officers to pay into the county treasury of such county or counties all fees, commissions, costs or other emoluments which are now allowed by law.

Also:

By Messrs. Brown (Jefferson), Gilmore, Rast, Perry, Bethea (B), Etheredge, Morrow, Bowers, Dominick, Vacca, Hawkins, Collins, Bales, Locke and Sessions:

H. 1165. To amend further Code of Alabama 1940, Title 13, Section 199.

Also:

By Messrs. Rast, Etheredge, Vacca, Dominick, Meeks, Collins, Gilmore, Bales, Perry, Hawkins, Brown (Jefferson), Morrow, Bowers, Locke and Sessions:

H. 1166. To fix the compensation or salaries of Circuit Clerk in counties of 500,000 inhabitants or more, according to the last or any subsequent Federal census, and to require such officers to pay into the county treasury of such county or counties all fees, commissions, costs or other emoluments which are now allowed by law.

Also:

By Messrs. Brown (Jefferson), Gilmore, Vacca, Etheredge, Bowers, Dominick, Hawkins, Collins, Bailes, Bethea (B), Locke and Sessions:

H. 1167. To regulate further the probate courts in all counties having populations of 500,000 or more according to the last or any subsequent federal decennial census in which a branch office of the probate court is or shall be established; to provide that such branch office shall be in charge of an assistant probate judge; to prescribe the powers, duties, authority and compensation of assistant probate judges; and to regulate further the powers and authority of the judges of probate of such counties.

Also:

By Messrs. Rast, Etheredge, Vacca, Dominick, Collins, Gilmore, Bailes, Perry, Hawkins, Brown (Jefferson), Morrow, Bowers, Locke and Sessions:

H. 1168. To fix the compensation or salary of the Judges of Probate in Counties having a population of 600,000 or more, according to the last or any subsequent federal census, and to provide for the payment thereof.

Also:

By Messrs. Rast, Etheredge, Vacca, Dominick, Meeks, Collins, Gilmore, Perry, Hawkins, Brown (Jefferson), Morrow, Bowers, Locke and Sessions:

H. 1169. To provide for the compensation to be paid circuit judges by counties having a population of 600,000 or more according to the last or any subsequent decennial federal census.

Also:

By Messrs. Fields, Rogers, Engel, Edington, Downing, Hogan, McDermott and Smith:

H. 1187. To provide for the collection and enforcement by the State Department of Revenue of Sales and Use Taxes levied or assessed by the City of Prichard, Mobile County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that there will be introduced for passage at the 1963 Regular Session of the Legislature of Alabama a Bill to become an Act which will be in substance as follows: "An Act. To provide for the collection and enforcement by the State Department of Revenue of Sales and Use Taxes levied or assessed by the City of Prichard, Mobile County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. On the request of the governing body of the City of Prichard, Alabama, the State Department of Revenue shall collect any Privilege License Tax levied by such City under the provisions

of a Municipal Ordinance; provided the levy parallels the State levy of Sales and Use Taxes, except for rate of taxes and is subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, punishments, and deductions as are applied to the State Sales and Use Taxes levied by Act 100, H. 94, Second Special Session 1959, and Article 11, Chapter 20 of Title 51, Code of Alabama 1940, and all Acts amendtory thereof or supplementary thereto except where inapplicable or where herein otherwise provided, including provisions for enforcement and collection of the taxes, if the Ordinance is duly promulgated and adopted by the governing body of such City and a certified copy of the Ordinance is filed with the State Department of Revenue.

Section 2. Such Municipal taxes shall be collected by the State Department of Revenue at the same time and along with the collection by the Department of Revenue of taxes levied and collected by the State under the provisions of said Act No. 100, H. 94, Second Special Session 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as amended; and all reports required to be made to the Commissioner of Revenue pursuant to this Act shall, on request made to the Department of Revenue, be made available for inspection by the governing body of the City of Prichard or its duly authorized agent at reasonable times during business hours.

Section 3. The Department of Revenue shall prepare and distribute such reports, blank forms, and other information as may be necessary to provide for the collection of the municipal taxes herein before referred to for the City of Prichard, and shall have all authority and duties hereunder as it has in connection with the collection of the State Sales and Use Taxes provided for by said Act No. 100 and said Article 11 of Chapter 20, Title 51, Code of Alabama 1940 as Amended and Supplemented.

Section 4. It shall be the duty of the Commissioner of Revenue to pay into the State Treasury all municipal taxes collected under this Act, and on or before the first day of the following month, such Commissioner shall certify to the Comptroller the amount of special taxes collected for the City of Prichard during the calendar month immediately preceding the making of such certificate. The amount certified by the Commissioner of Revenue as having been collected for the use of the City of Prichard, less collection charges deducted, shall be paid to the City Clerk or other custodian of funds of the City of Prichard. The State Department of Revenue shall charge the City of Prichard for collecting such municipal license taxes the cost to the Department for making such collections, provided such charge shall not exceed 10% of the amount collected. The Comptroller shall once each month draw his warrant for the funds collected under this Act payable to the Department of Revenue for the amount of such charges as determined by the Commissioner of Revenue.

Section 5. The Commissioner of Revenue may employ special counsel when necessary from time to time to enforce collection of Municipal License Taxes for the City of Prichard, and otherwise to enforce the provisions of the Ordinance levying such taxes, including any litigation required, and the Department of Revenue may pay special counsel such fees as the Commissioner of Revenue considers reasonable and proper from the proceeds of the taxes payable to the City of Prichard under the provisions of this Act.

Section 6. Any amendment of any Municipal Ordinance heretofore adopted levying a tax required to be collected hereunder shall not be

effective until the first day of the month next following the expiration of 30 days from the date such amendment becomes effective. The Department of Revenue shall not be required to make any collection of Municipal Taxes or otherwise perform any duty as provided for herein until a certified copy of the Ordinance and amendments thereto has been on file with the Department of Revenue for the last 30 days.

Section 7. All laws or parts of laws in conflict with the provisions hereof are hereby repealed insofar as they do conflict.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part remaining.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law."

W. F. Egan being sworn, says that he is Comptroller of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register July 11, 18, 25; Aug. 1, 1963

W. F. EGAN,

Sworn to and subscribed before me this 1 day of August, 1963.

EDWIN LEE PERKINS,
Notary Public.

Also:

By Messrs. McDermott, Edington, Downing and Engel:

H. 1189. Relating to cities having populations of not less than 200,000 nor more than 300,000; authorizing the adoption of ordinances granting municipal ad valorem tax exemptions on homesteads of persons claiming such exemptions for state ad valorem tax purposes.

Also:

By Messrs. Fields, Rogers, McDermott, Edington, Hogan, Engel and Downing:

H. 1190. To provide retirement allowances for certain elected officials and former elected officials of Mobile County and certain incorporated municipalities therein.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF MOBILE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

AN ACT

To provide retirement allowances for certain elected officials and former elected officials of Mobile County and certain incorporated municipalities therein.

Be It Enacted by the Legislature of Alabama:

Section 1. All elected officials or former elected officials of Mobile County or any incorporated municipality therein shall be covered hereby under a retirement system or systems applicable to their respective governmental agencies, as herein provided. As used in this Act, "elected official" shall mean any person who serves in an elective office. "Former elected official" shall mean any person who has served in an elective office.

Section 2. Each elected official of Mobile County or any incorporated municipality therein and each former elected official of Mobile County or any incorporated municipality therein who has served not less than (18) eighteen years in said elective office or offices shall be entitled to, and shall be paid, a retirement allowance equal to (50%) fifty percentum of the salary for the position held by an official now holding an office formerly held by said qualified official and in force at the time of the retirement of such qualified official under the provisions of this Act.

Section 3. In the event that any such official shall have served as an elected official of more than one such governmental unit within the county, each such governmental unit shall pay to the qualified official or former official their pro rata share of the total compensation paid to the official or former official; and the amount of such annual retirement pay shall be equal to one-half of the sum of the salary for the position held by an official now holding an office of Mobile County formerly held by said qualified official and the salary for the position now held by an official of the municipality formerly held by such qualified official. The pro rata share to be paid by each such governmental unit shall be based on the length of service of such qualified official with each respective unit.

Section 4. The County governing body and the City governing bodies shall order the payments provided in this Act from their respective general funds of the above-mentioned retirement allowance to such elected officials and former elected officials who are qualified under the terms of this Act, the said retirement allowance to be paid in monthly installments not later than the (10th) tenth of each month following the month for which the allowance is due.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. The provisions of this Act shall become operative only when approved by a majority of the qualified electors of the county voting in a referendum held for that purpose. The first referendum shall be held on the same day as the first countywide primary, general, or special election held in the county after the passage of this Act. The county commission of Mobile County shall order and provide for holding the referendum on such date. Subsequent elections on the question may be ordered and provided for by the governing body of the county at intervals of not less than one year if the county fails to approve the Act. Any election held hereunder shall be governed by the law applicable to general elections held in Mobile County.

Section 7. All laws or part of laws which conflict with this Act are repealed.

W. F. Egan being sworn, says that he is Comptroller of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register July 3, 10, 17, 24, 1963.

W. F. EGAN,

Sworn to and subscribed before me this 24 day of July, 1963.

EDWIN LEE PERKINS,
Notary Public.

Also:

By Messrs. Engel, McDermott and Edington:

H. 1191. To amend further Act No. 470, H. 952 of the Regular Session of 1939 (Local Acts 1939, p. 298) which creates and establishes the countywide civil service system in Mobile County.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF MOBILE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To amend further Act No. 470, H. 952 of the Regular Session of 1939 (Local Acts 1939, p. 298) which creates and establishes the countywide civil service system in Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections I, II, and VII of Act No. 470, H. 952 of the Regular Session of 1939 (Local Acts 1939, p. 298), which creates and establishes the countywide civil service system in Mobile County, are hereby amended to read as follows:

"Section I. Definitions. In this Act, words used in the masculine gender include the feminine and neuter genders, and words used in the neuter gender include the masculine and feminine genders. The following words, terms, and phrases, wherever used in this Act, shall have the meanings respectively ascribed to them in this Section unless the context plainly indicates a contrary meaning: 'Committee' means the Supervisory Committee created by this Act. 'Board' or 'The

Board' means the Personnel Board created by this Act. 'Municipality' or 'Such Municipality' or 'City' means a duly incorporated town, village, or city within Mobile County. 'Director' means the Personnel Director created by this Act. 'Appointing Authority', or 'Appointing Power' means a person, officer, board, commission, or other body or person whose lawful jurisdiction or powers are confined wholly or primarily within the territorial limits of Mobile County, or any incorporated city or town therein, and who or which have the power to make appointments to officers or positions of employment or trust in any of the Classified Service as in this Act defined. 'Employee' or 'Appointee' means a person in the Classified Service herein set up and appointed by an Appointing Authority, unless herein specifically excepted. The 'Classified Service' includes all offices, positions, and employment in Mobile County or any such city therein as these offices, positions and employment now exist or as they may hereafter exist, the holders of which are paid whether by salary, wages, or fees in whole or in part from public funds of Mobile County or any such city, or the holders of which receive their compensation from any elected official or Appointing Authority and perform duties pertaining to the office of such elected official or officer, or other Appointing Power, except those placed in the 'Unclassified Service' by Section Two hereof. 'Employment Register' means records containing names of those persons who have successfully completed their prescribed tests, listed and ranked in order of their final earned average from the highest to the lowest. 'Roster' means records of persons in the Classified Service, containing information as to their service. 'Tests' means written and/or oral examinations and/or other methods established by rules and regulations of the Board and/or the Director as herein provided, to determine the merit, efficiency, and general fitness of applicants for positions. 'Public Hearings' means a meeting of the Board, open to the public, whereat any citizen, taxpayer, or party at interest may appear and be heard subject to such rules and regulations as may be fixed by the Board. 'Public Record' means a record which the public shall have the right to inspect in a reasonable manner during ordinary business hours. 'Rules' means the regulations adopted by the Board for carrying out the provisions of this Act.

"Section II. Unclassified Service: The following shall be in the Unclassified Service: (1) Officials elected by popular vote and, in case of death, resignation, or removal, their legal substitute; (2) Where by present law official duties of any officer mentioned in subdivision-One of this section are or may be performed by a chief assistant appointed by him, such chief assistant; (3) Principals, supervisors, teachers and instructors in the Public Schools engaged in teaching and/or supervising teaching, and all employees of the Mobile County School Board; (4) The Personnel Director provided for by this Act; (5) Independent contractors receiving their remuneration from public funds under contracts awarded by competitive bidding; (6) Persons in the 'Classified Service' within the meaning of and subject to the State of Alabama merit system under any present or future law, and so long as any such law remains effective. (7) Common laborers not engaged in regular employment. (8) Attorneys, physicians, surgeons, and dentists employed in their professional capacities. (9) The Judge of any Court. (10) Members of Board who are not employed on a full time basis and are not required to devote their services exclusively to such counties and cities therein. (11) Any person whose employment is subject to the approval of the United States Government or of any agency thereof. (12) Interns, student technicians, and student nurses while undergoing training in a hospital maintained by public funds.

"Section VII. Personnel Board: The Personnel Board shall con-

sist of three members designated respectively as Member Number One, Member Number Two, and Member Number Three, each of whom shall be over 21 years of age, of recognized good character and ability, a bona fide resident and a qualified elector of Mobile County, and shall not, when appointed, nor for the three years then next preceding the date of his appointment have held any Mobile County or City public office, nor have been a candidate for such. If any person actively solicits a position on such Board, the Committee may, for this reason, refuse to consider his appointment. The Board shall meet once a month on dates to be fixed by its Rules and regulations and as much oftener as shall be necessary for the orderly dispatch of its business. The members of the Board shall be selected for the following terms and in the following manner: The Supervisory Committee of the Mobile County Personnel Board shall, within thirty days after September 15, 1939, appoint all three members and shall appoint the successors of said Board Members within thirty days after a term expires or a vacancy occurs. Member Number One shall hold office for a term of two years beginning on September 15, 1939, and until his successor is appointed and has qualified. His successors shall hold office for terms of six years, the first of which shall begin September 15, 1941, and the subsequent terms shall begin each six years thereafter. Member Number Two shall hold office for a term of four years beginning on September 15, 1939, and until his successor is appointed and has qualified. His successors shall hold office for terms of six years, the first of which shall begin September 15, 1943, and the subsequent terms shall begin each six years thereafter. Member Number Three shall hold office for a term of six years beginning on September 15, 1939, and until his successor has been appointed and has qualified. His successors shall hold office for terms of six years, the first of which shall begin on September 15, 1945, and the subsequent term shall begin each six years thereafter. In the event of a vacancy on the Board occasioned by death, resignation, impeachment or other cause, such vacancy shall be filled by the Supervisory Committee of the Mobile County Personnel Board for the then unexpired term. Each Member shall receive twenty dollars for each meeting of the Board attended by him provided no Member shall receive more than Eighty Dollars (\$80.00) compensation for services during any one month. This compensation shall be paid as provided in Section 30 hereof. It shall be the duty of the Board as a body: (1) To select a Personnel Director as hereinafter provided in Section 9 of this Act. (2) After a Public Hearing or Hearings to adopt and amend Rules and regulations for the administration of this Act, as hereinafter provided. (3) After a Public Hearing or Hearings to adopt, modify, or reject such Classification and Compensation Plans for the Classified Service together with Rules for their administration, as may be recommended by the Director after a thorough survey by him of the personnel and departmental organizations included in such plan or plans. (4) To make such investigations as, in the Board's opinion, are reasonable, either on petition of a citizen, taxpayer, or party at interest, or of its own motion, concerning the enforcement and effect of this Act, and to require observance of its provisions and the Rules and Regulations made pursuant thereto. (5) To conduct hearings and to render decisions, as hereinafter provided, on charges preferred against persons in the Classified Service. (6) To make such investigations as, in the Board's opinion, are reasonable, as may be requested by the governing bodies of the County or of any City therein or by the Supervisory Committee and to report thereon to the governing body or Committee requesting same. (7) To consider and act on such matters as may be referred to the Board by the Director. (8) To represent the public interest in the improvement of personnel administration in the Classified Service. (9) To advise

and assist the Director in fostering the interest of institutions of learning, civic, professional, and employe organizations in the improvement of personnel standards in the Classified Service. (10) To elect at the regular monthly meeting in April of each year one of its members to serve as Chairman of the Board for the ensuing twelve months. Should the Personnel Board fail to elect the Chairman within thirty days after the regular monthly meeting in April of each year, then such a Chairman shall be elected by the Supervisory Committee of the Mobile County Personnel Board. (11) Whenever by law or Rules of the Personnel Board any positions in the service of Mobile County or of any municipality or of any other Appointing Authority within Mobile County, are duly transferred to and designated as positions in the Classified Service, or whenever a municipality or other Appointing Authority shall hereafter become subject to the provisions of this Act, if such municipality or Appointing Authority at the time of becoming subject to this Act had in its employment employees or appointees in positions within the Classified Service, as defined in this Act, the Personnel Board may, in its discretion, continue any or all persons employed by the county, a municipality, or other Appointing Authority in the same positions which they, respectively, held when such positions became subject to this Act, without examination. Such employees shall thereby be given a permanent status and their continued employment, promotions and discharges shall in all matters be subject to and governed by this Act. It is the intent of this Act that all present employees or appointees of the County, any Municipality, Agency or other Appointing Authority who were not in the Classified Service prior to the passage of this Act, may in the Personnel Board's discretion, be blanketed in the Classified Service and continue to hold the same position, which they, respectively, held when such positions became subject to this Act. The Board shall also have the authority, functions, and duties as in other sections of this Act provided."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

W. F. Egan being sworn, says that he is Comptroller of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and the attached notice appeared in the issue of The Mobile Register July 17, 24, 31; August 7, 1963.

W. F. EGAN,

Sworn to and subscribed before me this 7 day of August, 1963.

EDWIN LEE PERKINS,
Notary Public.

Also:

By Messrs. Engel, McDermott and Edington:

H. 1192. For the relief of Mrs. Kenny Lundy; to authorize and direct the governing body of Mobile County to pay to Mrs. Kenny Lundy the sum of five thousand dollars (\$5,000) to compensate her for the death of her husband, Kenny Lundy, who was killed in the course of his employment by the county.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF MOBILE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

For the relief of Mrs. Kenny Lundy; to authorize and direct the governing body of Mobile County to pay to Mrs. Kenny Lundy the sum of five thousand dollars (\$5,000) to compensate her for the death of her husband, Kenny Lundy, who was killed in the course of his employment by the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Mobile County is authorized and directed to pay out of any available funds in the county treasury to Mrs. Kenny Lundy the sum of five thousand dollars (\$5,000) to compensate her for the death of her husband, Kenny Lundy, who was killed while engaged in the performance of his duties and in the course of his employment by the county, on April 11, 1963.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

W. F. Egan being sworn, says that he is Comptroller of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register July 17, 24, 31; August 7, 1963.

W. F. EGAN,

Sworn to and subscribed before me this 7 day of August, 1963.

EDWIN LEE PERKINS,
Notary Public.

Also:

By Messrs. Engel, McDermott, Edington, Hogan and Rogers:

H. 1193. Relating to Mobile County; further regulating the compensation of the judge of probate.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF MOBILE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Mobile County; further regulating the compensation of the judge of probate.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the judge of probate of Mobile County shall be thirteen thousand five hundred dollars per annum, payable in installments as the salaries of other county officers are paid.

Section 2. This Act shall not take effect until the expiration of the term of office of the incumbent judge of probate of the county.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

W. F. Egan being sworn, says that he is Comptroller of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register July 17, 24, 31; August 7, 1963.

W. F. EGAN,

Sworn to and subscribed before me this 7 day of August, 1963.

EDWIN LEE PERKINS,
Notary Public.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168 and 1169 — to the Committee on Public Buildings and Grounds

H.B.'s 1187, 1189, 1190, 1191, 1192 and 1193 — to the Committee on Local Legislation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Etheredge, Brown (Jefferson) and Engel:

H. 465. Relating to state revenue; further prescribing deductions of certain charitable contributions or gifts in computing individual and corporate state income tax liability.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 465 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Drake:

H. 1121. To amend Section 7 of Act No. 13, H. 5, First Special Session 1955 (Acts 1955, p. 37), an act relating to the reorganization of the government of Cullman County, so as to provide for the employment of a highway superintendent II in the county.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF CULLMAN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 7 of Act No. 13, H. 5, First Special Session 1955 (Acts 1955, p. 37), an act relating to the re-organization of the government of Cullman County, so as to provide for the employment of a highway superintendent II in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 13, H. 5, First Special Session 1955 (Acts 1955, p. 37, an act relating to the reorganization of the government of Cullman County, is hereby amended to read as follows:

"Section 7. All persons employed by the State Highway Department in the administration of this Act shall be employed subject to the State Merit System Act. Provided, however, that after September 1, 1963, at least one person shall be employed in Cullman County by the department in the merit system classification of highway superintendent II. Any resident of Cullman County who is on the register of eligibles established by the personnel director for the position of highway superintendent II shall be given preference over every other person whose name appears on the register."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CULLMAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Robert Bryan, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of The Cullman Times, a newspaper of general circulation published in Cullman County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 10, July 17, July 24, and July 31, all in the year 1963.

/S/ ROBERT BRYAN,

Sworn to and subscribed before me August 1, 1963.

COLLEEN BUCHANAN,
Notary Public.

My Commission Expires Nov. 7, 1964.

Also:

By Mr. Mashburn:

H. 1107. Relating to Baldwin County; authorizing the county to aid in the construction of a residence for the Governor.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA,
COUNTY OF BALDWIN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Baldwin County; authorizing the county to aid in the construction, repair, maintenance, and operation of a residence for the Governor.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Baldwin County may, in its descretion,

and from time to time, appropriate county funds for the purpose of aiding in the construction, reconstruction, repair, maintenance, or operation of a residence for the Governor of Alabama within the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BALDWIN

Before me, the undersigned authority in and for said County in said State, this day personally appeared E. M. Howell, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Onlooker, a newspaper of general circulation published in Baldwin County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 2, May 9, May 16, and May 23, all in the year 1963.

E. M. HOWELL,

Sworn to and subscribed before me May 28, 1963.

DORIS HORDER RICH,
Title Notary Public.

Also:

By Mr. Steagall:

H. 1122. Relating to counties having populations of not less than 31,000 nor more than 32,000 according to the most recent federal decennial census, fixing the compensation of jurors in such counties.

Also:

By Mr. Steagall:

H. 1123. To alter, rearrange and extend the boundaries and corporate limits of the Town of Daleville, Dale County, Alabama, so as to annex certain territory to the town.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF DALE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To alter, rearrange and extend the boundaries and corporate limits of the Town of Daleville, Dale County, Alabama, so as to annex certain territory to the town.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the Town of Daleville, Dale County, Alabama, are hereby altered, re-arranged and extended so as to include within the corporate limits of the town the following described territory in addition to the area now embraced within the boundaries and corporate limits, to-wit:

Beginning at the point where the West line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15, T4N, R23E intersects the south right-of-way line of the Atlantic Coast Line Railroad and running thence south along the West line of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15 to the North line of Section 22 T4N, R23E thence running south along the west line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 22 to the SW corner thereof; thence running West along the South line of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 22 to the SW corner thereof; thence continuing West along the South line of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 21 T4N, R23E to the East side of Claybank Creek; thence running southerly along the East side of said Claybank Creek to the North line of the S $\frac{1}{2}$ of the S $\frac{1}{2}$ of Section 27, T4N, R23E; thence running East along the North line of the S $\frac{1}{2}$ of the S $\frac{1}{2}$ of Section 27, T4N, R23E to the West line of Cairns Airfield Property; thence running N00-53'E along the West line of said Cairns Airfield Property to the Northwest corner thereof; thence running Easterly along the North line of said Cairns Airfield Property to the East line of the W $\frac{1}{2}$ of Section 26, T4N, R23E; thence running North along the said East line of the W $\frac{1}{2}$ of Section 26 to the NE corner thereof; thence running East along the North line of Section 26 to the SE corner of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 23, T4N, R23E; thence running North along the East line of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 23, T4N, R23E to the NE corner thereof; thence running East along the north side of E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 23 to the NE corner thereof; thence running North along the East line of said Section 23 to the South side of Ala. State Hwy No. 134; thence running Easterly along the south side of said Ala. Hwy No. 134 to its intersection with the north line of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 24; T4N R23E thence running East along the North line of said SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ to the NE corner thereof; thence running south along the East line of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 24 to the SE corner thereof; thence running East along the North line of the SE $\frac{1}{4}$ of Section 24 to the NE corner thereof; thence continuing East along the South side of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 19, T4N R24E to the SE corner thereof; thence running North along the East line of said W $\frac{1}{2}$ of the NW $\frac{1}{4}$ to the NE corner thereof; thence continuing north along the East side of the SW $\frac{1}{4}$ -SW $\frac{1}{4}$ of Section 18 T4N, R24E to the south right-of-way of the Atlantic Coast Line Railroad; thence running westerly along the South right-of-way line of the Atlantic Coast Line Railroad to the point of beginning and being in Dale County, Alabama.

Section 2. All farm and pasture land annexed by this Act shall be exempt from all ad valorem taxation by the municipality of Daleville, during the time such property is used for farming or grazing purposes.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
DALE COUNTY

Before me the undersigned authority in and for said County and

State, personally appeared John Q. Adams, who being by me first duly sworn deposes and says that during the times herein mentioned he was publisher of The Southern Star, a newspaper of general circulation published in Dale County, Alabama, and that the attached notice was published in said newspaper once a week for 4 consecutive weeks, said notice having appeared in the issue of said paper on May 23 and 30, June 6 and 13, 1963.

JOHN Q. ADAMS,
Publisher.

Sworn to and subscribed before me on this the 14 day of June, 1963.

CELESTE A. WOODS,
(Notary Public).

Also:

By Mr. Stembridge:

H. 1131. To alter, rearrange, and extend the boundary lines and corporate limits of the Town of Cowarts, Houston County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given of the intention to apply in the current session of the Legislature of Alabama now in session for the passage of a local law substantially in words and figures as follows:

"AN ACT

To extend, alter and rearrange the boundary lines and corporate limits of the town of Cowarts, Houston County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1: That the boundary lines and corporate limits of the Town of Cowarts, Houston County, Alabama, be and the same are hereby extended, altered and rearranged so as to include within the corporate limits of said Town of Cowarts all of the following described territory:

N $\frac{1}{2}$ of NW $\frac{1}{4}$, Section 35; N $\frac{1}{2}$ of NE $\frac{1}{4}$, Section 35; W $\frac{1}{2}$ of SE $\frac{1}{4}$, Section 26; W $\frac{1}{2}$ of NE $\frac{1}{4}$, Section 26; NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 26; and NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 25, all in Township 3 North, Range 27 East, Houston County, Alabama.

Section 2: All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3: This Act shall be effective upon its passage and approval by the Governor, or upon its otherwise becoming a law."

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF HOUSTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mirl Crosby, who, being by

me first duly sworn, deposes and says that during the times herein mentioned he was Business Manager of the Dothan Eagle, a newspaper of general circulation published in Houston County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 7-16, 7-23, 7-30, and 8-5, all in the year 1963.

MIRL CROSBY,

Sworn to and subscribed before me August 5th, 1963.

EUGENE S. McCLINTIC,
Title Notary Public.

Also:

By Mr. Campbell (Jackson):

H. 1132. To allow the Board of Revenue of Jackson County to authorize the Sheriff of Jackson County to employ an additional deputy to be known as a County Criminal Investigator; defining his powers and duties, and fixing his compensation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and its passage and enactment sought:

AN ACT

To allow the Board of Revenue of Jackson County to authorize the Sheriff of Jackson County to employ an additional deputy to be known as a County Criminal Investigator; defining his powers and duties, and fixing his compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Revenue of Jackson County shall be allowed to authorize the Sheriff of Jackson County to employ an additional deputy sheriff, which deputy shall be designated as a County Criminal Investigator. Such Investigator shall have all the powers and duties and be subject to all conditions as are Deputy Sheriffs under the general laws of this state, and shall be subject to the supervision and control of the Sheriff at all times.

Section 2. When such Investigator shall be authorized by such Board of Revenue and employed by the Sheriff, his compensation shall be fixed by the Board of Revenue at not less than \$350.00 per month and not more than \$450.00 per month to be paid out of the General Fund of the County as other deputies are paid.

Section 3. All other laws or parts of laws in conflict with this act are hereby repealed.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF JACKSON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Fred J. Buchheit, who being

by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of The Sentinel-Age, a newspaper of general circulation published in Jackson County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 18, July 25, August 1 and August 8, all in the year 1963.

FRED J. BUCHHEIT,

Sworn to and subscribed before me August 9, 1963.

EVELYN TUBBS,
Title Notary Public.

My commission expires 5 Nov., 1966.

Also:

By Mr. Hankins:

H. 1179. Relating to counties having populations of not less than 13,900 nor more than 14,300 according to the most recent federal decennial census; authorizing the Director of Conservation under certain conditions to promulgate certain rules and regulations for the taking of non-game fish from the public waters of such counties by the use of wire baskets, levying certain taxes, prohibiting the sale of such fish, and prescribing penalties for violations of the provisions of this Act.

Also:

By Messrs. Hannah and Boston:

H. 1180. To abolish the Lauderdale County Inferior Court; provide for the transfer of cases now pending in said Lauderdale County Inferior Court to the Court hereby created; to create and establish in Lauderdale County, Alabama, a court to be known as "Lauderdale County Court"; defining its criminal and civil jurisdiction; providing it with officers, defining their powers, duties, compensation, term of office and the manner of their selection; regulating its procedures and process; prescribing costs and fees therein; to direct the county governing body to furnish quarters, books, forms, stationery, equipment and supplies requisite to the efficient function of the court.

Also:

By Mr. Turner (Limestone):

H. 1181. Relating to Limestone County; regulating and providing for the payment of compensation of election officers.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF LIMESTONE

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Limestone County; regulating and providing for the payment of compensation of election officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The officers appointed to hold elections in Limestone County shall each be entitled to eight dollars, whether voting machines be used or not, and in addition, the returning officer, shall be entitled to five cents a mile in going to the courthouse and returning to the place of holding the election. The claims of election officers shall be paid as preferred claims, out of any moneys in the county treasury not otherwise appropriated, on proper proof of service rendered.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LIMESTONE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Steele McGrew, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Limestone Democrat, a newspaper of general circulation published in Limestone County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 16, July 23, July 30, and August 6, all in the year 1963.

STEELE McGREW,

Sworn to and subscribed before me August 6, 1963.

LOLA L. ORR,
Title Notary Public.

Also:

By Mr. Turner (Limestone):

H. 1182. Relating to counties having populations of not less than 36,000 nor more than 36,600; regulating the number of meetings, compensation and allowances of members of the county board of education.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1121, 1107, 1122, 1123, 1131, 1132, 1179, 1180, 1181 and 1182 — to the Committee on Local Legislation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Scurlock:

H. 1223. To alter, rearrange, and extend the boundaries of the town of Sumiton in Walker County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF WALKER

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange, and extend the boundaries of the town of Sumiton in Walker County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the town of Sumiton in Walker County are hereby altered, rearranged, and extended so as to include within the present corporate limits of such city, in addition to the territory included within the present corporate limits, the following described territory:

Commence at the Northeast corner SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 10, Township 15 South, Range 5 West; thence South along East boundary of said forty to North right-of-way of U. S. 78 Highway the point of beginning; thence continue South to SE corner of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 10, Township 15 South, Range 5 West; thence continue South one mile to the SE corner of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 15, Township 15 South, Range 5 West; thence West $\frac{1}{2}$ mile to SW corner of Section 15, Township 15 South, Range 5 West; thence North along West boundary of Section 15, Township 15 South, Range 5 West $\frac{3}{4}$ mile to NW corner of SW $\frac{1}{4}$ of NW; thence East along North boundary of said forty $\frac{1}{4}$ mile to SW corner NE $\frac{1}{4}$ of NW $\frac{1}{4}$; thence North along West boundary of said forty $\frac{1}{4}$ mile to NW corner NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 15, Township 15 South, Range 5 West; thence continue North along West boundary of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 10, Township 15 South, Range 5 West to North right-of-way of U. S. 78; thence Southeast along right-of-way to the point of beginning.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF WALKER

Before me, the undersigned authority in and for said County in said State, this day personally appeared Richard Dowis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Daily Mountain Eagle, a newspaper of general circulation published in Walker County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 16, July 23, July 30, and August 7, all in the year 1963.

RICHARD DOWIS,

Sworn to and subscribed before me August 8, 1963.

FAY O'REAR,
Title Notary Public.

Also:

By Messrs. Bevill and Scurlock:

H. 1224. To authorize and provide for the establishment of a fund to be designated as the "Solicitor's Fund" for the solicitor of the Fourteenth Judicial Circuit, to be drawn upon by the circuit solicitor of the Fourteenth Judicial Circuit, and to provide that the solicitor's fees taxed in all criminal proceedings in the circuit court of Walker County be paid into such fund for such purpose.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF WALKER

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To authorize and provide the establishment of a fund to be designated as the "Solicitor's Fund" for the solicitor of the Fourteenth Judicial Circuit, to be drawn upon by the circuit solicitor of the Fourteenth Judicial Circuit, and to provide that the solicitor's fees taxed in all criminal proceedings in the circuit court of Walker County be paid into such fund for such purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created a fund to be designated the "Solicitor's Fund" of the Fourteenth Judicial Circuit, which fund shall

be at the disposal of the circuit solicitor of the circuit court of the Fourteenth Judicial Circuit of Alabama, and shall be drawn upon by him in the manner hereinafter provided and expended by him for the enforcement of the law in the Fourteenth Judicial Circuit of Alabama.

Section 2. Said fund shall be deposited in any bank in the Fourteenth Judicial Circuit, which shall be an approved depository for the public funds of said circuit, as hereinafter provided, and shall be payable upon the order of the circuit solicitor of the Circuit Court of the Fourteenth Judicial Circuit of Alabama by check signed by him as such officer.

Section 3. All solicitor's fees hereafter taxed as costs and collected in all criminal cases in the Fourteenth Judicial Circuit as provided by the laws of Alabama, shall be periodically disposed of by the judge, clerk, or other proper custodian of funds so taxed in such court to the credit of the solicitor's fund hereinbefore provided in such depository as shall be designated by the solicitor, as hereinbefore provided.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF WALKER

Before me, the undersigned authority in and for said County in said State, this day personally appeared Richard Dowis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Daily Mountain Eagle, a newspaper of general circulation published in Walker County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 9, July 16, July 23, and July 30, all in the year 1963.

RICHARD DOWIS,

Sworn to and subscribed before me August 5, 1963.

FAY O'REAR,
Title Notary Public.

Also:

By Messrs. Bevill and Scurlock:

H. 1225. Relating to Walker County, to authorize the sheriff of the county to appoint an additional jail guard.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL TO BE ENTITLED AN ACT

Relating to Walker County, to authorize the sheriff of the county to appoint an additional jail guard.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Walker County may appoint one jail guard in addition to the two jailers now authorized by law. Such additional appointee shall serve for such term and shall perform such duties as the sheriff may prescribe and shall be compensated for his services at a rate to be fixed by the sheriff on approval of the county governing body and shall be paid from the general funds of the county at the same times and in the same manner as other county jailers are paid.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF WALKER

Before me, the undersigned authority in and for said County in said State, this day personally appeared Richard Dowis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Daily Mountain Eagle, a newspaper of general circulation published in Walker County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 17, June 24, July 1, and July 8, all in the year 1963.

RICHARD DOWIS,

Sworn to and subscribed before me August 8, 1963.

FAY O'REAR,
Title Notary Public.

Also:

By Messrs. Bevill and Scurlock:

H. 1226. To authorize the sheriff of Walker County to appoint an additional deputy whose compensation shall be paid by the county.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL TO BE ENTITLED AN ACT

To authorize the sheriff of Walker County to appoint an additional deputy whose compensation shall be paid by the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Walker County is hereby authorized to appoint a deputy to perform such duties as the sheriff may prescribe. Such deputy shall be in addition to the chief deputy now authorized by general law, the two deputies provided for by Act No. 88, H. 359, Regular Session 1935 (Local Acts 1935, p. 23), and the two jailers provided for by Act No. 133, H. 437, Special Session 1933 (Local Acts 1933, p. 37) and authorized by said Act to perform the duties of deputy sheriff.

Section 2. The deputy sheriff provided for by this Act shall hold office at the discretion of the sheriff and shall receive a salary of \$4,200 per annum, payable in equal monthly installments out of the general fund of the county.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF WALKER

Before me, the undersigned authority in and for said County in said State, this day personally appeared Fay O'Rear, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was business manager of the Daily Mountain Eagle, a newspaper of general circulation published in Walker County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 26, July 3, July 10, and July 17, all in the year 1963.

FAY O'REAR,

Sworn to and subscribed before me August 8, 1963.

LOUISE E. PRESCOTT,
Title Notary Public.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1223, 1224, 1225 and 1226 — to the Committee on Local Legislation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Carr, Scurlock, Bevill, Burns and Owens:

H. 546. To amend Section 225, Title 26, Code of Alabama 1940, as amended, dealing with elections to be subject to the State Unemployment Compensation Law.

Also:

By Mr. Perry:

H. 383. To amend Code of Alabama 1940, Title 51, Section 613, in relation to the license tax payable on vending machines.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 546 — to the Committee on Immigration, Industrial Resources and Labor

H. B. 383 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Cates:

H. 845. To amend further Code of Alabama 1940, Title 51, Section 7, which relates to applications for exemptions of factories, industries and plants from state ad valorem taxes.

Also:

By Messrs. Branyon, Snell, Cantrell, Gilmore, Turner (Crenshaw), and Hankins:

H. 556. To amend Code of Alabama 1940, Title 35, Section 115, which relates to compensation for members of the militia payable for injury, disability or death as a direct result of active military service.

Also:

By Messrs. Scurlock, Bevill, Bethea (M) Moore, Branyon, Hankins, Brown (Jefferson), Meeks, Locke, Bowers, Drake, Slate, Gilmore, Cates, Bailes, Etheredge, Hannah, Snell, Carr, Engel, McDermott, Nettles, Daniel, Cooper, Turner (Limestone), Heflin Mashburn, Salter, Downing, Little, Edington, Brown (Tuscaloosa), Callahan, Collins, Bethea (B), and NeSmith:

H. 531. To exempt certain disabled veterans of the armed forces of the United States from the requirement of procuring licenses to

fish in certain ways or manners in the waters of this state; to provide for the issuance of exempted fishing licenses to such veterans.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 845 and 531 — to the Committee on Finance and Taxation

H. B. 556 — to the Committee on Military

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Fite and Brewer:

H. 922. To make an appropriation to the Department of Public Safety for Capital Outlay purposes.

Also:

By Messrs. Turner (Crenshaw), Brewer, Meade, Fite, Owens, Nabors, Burns, Casey, Thomas, Bevill, Scurlock, Cantrell, Moore, Slate, Turner (Limestone), Gilmore, Vacca and Brown (Jefferson):

H. 1059. Relating to the purchase of supplies, materials, equipment, and contractual services by the state and its political subdivisions; requiring the use of supplies and materials manufactured or produced in the United States or its territories; and repealing conflicting laws.

Also:

By Mr. Crawford:

H. 616. To amend Section 492 of Title 2 of the Code of Alabama of 1940 relating to the expenditure of funds for compiling agricultural statistics.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 922 and 1059 — to the Committee on Finance and Taxation

H. B. 616 — to the Committee on Agriculture

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Carr, Bevill, Scurlock, Burns and Owens:

H. 545. Relating to counties; to provide for coverage under the Unemployment Compensation Act of certain county employees.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 545 — to the Committee on Counties and County Boundaries

REPORTS OF COMMITTEES

Mr. McDow, Chairman of the Standing Committee on Temperance, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Downing et al:

H. 925. To amend Code of Alabama 1940, Title 29, Section 1, in relation to definitions of terms used in the ABC Act.

RESOLUTION

Messrs. Nichols, Adams, Allen, Bentley, Brannan Carter, Clark, Cooper, Dumas, Eddins, Evans, Gilchrist, Givhan, Hammond, Hawkins, Hornsby, Horton, James, Lolley, Lowe, Mathews, McCain, McDow, Metcalf, Montgomery, Oden, Reynolds, Roberts, Robison (Montgomery), Robison (Pickens), Shelton, Smith, Taylor, Tyson, Wilson and Honorable James B. Allen, Lieutenant Governor, offered the following Senate Joint Resolution, to-wit:

S. J. R. 47. BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the mall located or to be located between Union and Ripley Streets and adjacent to the State Administrative Building and the State Highway Department Building now under construction in the city of Montgomery, is hereby designated and shall be known as the "Jesse Earl Speight Mall," in honor of the late Secretary of the Senate, the Honorable Jesse Earl Speight.

BE IT FURTHER RESOLVED that the chief of the division of service, state department of finance, is authorized and directed to cause to be erected and maintained at all times at the mall appropriate plaques or markers showing its designation as the "Jesse Earl Speight Mall."

On motion of Mr. Nichols, the Rules were suspended and said Resolution was adopted by the Senate.

UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate proceeded to consideration of the unfinished business for today, the first of which was the Bill:

H. 712. To alter, rearrange and extend the boundary lines of the City of Anniston, Alabama in Calhoun County, Alabama, so as to include within the corporate limits of said city certain property therein set out and described.

and said Bill was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 984. To create the State Sovereignty Commission in the Executive Branch of the Government of the State of Alabama, to provide for the membership thereof; to describe its duties, authority and powers; to provide the method for the selection of its members, their status and term of service; and to repeal all laws or parts of laws in conflict herewith.

was taken up.

Messrs. Hawkins and McCain offered the following amendment to the Bill, H. B. 984, to-wit:

AMENDMENT TO HOUSE BILL 984

Amend House Bill 984 by striking from Section 2 thereof, the following words:

“together with all other powers necessary to accomplish the purposes of this Act.”

Amend House Bill 984 further by striking therefrom Section 8 as it appears in said bill and renumbering Sections 9, 10 and 11, as Sections 8, 9 and 10 respectively.

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs.	Dumas	Lolley	Oden
Adams	Eddins	Lowe	Reynolds
Allen	Evans	McCain	Roberts
Bentley	Gilchrist	McDow	Robison (Montgomery)
Brannan	Hammond	Metcalf	Robison (Pickens)
Carter	Hawkins	Montgomery	Taylor
Clark	Hornsby	Nichols	Tyson
Cooper			

—28

Nays:

—0

Mr. Tyson then offered the following amendment to the Bill, H. B. 984, as amended, to-wit:

AMENDMENT TO H. B. 984, AS AMENDED

Amend House Bill 984 by striking out in its entirety Section 9 of said bill and insert in lieu thereof the following:

"Section 9. There is hereby appropriated out of funds in the State Treasury not otherwise appropriated, the sum of \$50,000.00 for each of the fiscal years ending September 30, 1964, and September 30, 1965, for the use of the Commission and for purposes which it deems appropriate and in furtherance of the purposes of this Act, which funds shall be disbursed on vouchers signed by the Chairman or Vice-Chairman of the Commission drawn on the State Comptroller."

Also, amend House Bill 984 by adding the following new section to the bill:

"Section 12. This Act shall take effect October 1, 1963."

Also, amend House Bill 984 by amending Section 1, paragraph two, sentence one, to read as follows:

"The Governor, who shall be an ex-officio member and Chairman thereof; seven (7) members from the state at large to be selected and appointed by the Governor, upon the advice and consent of the Senate of Alabama, and whose term shall expire with the expiration of the term of the Governor appointing them or until their successors are appointed."

Which was adopted.

Yeas 31; Nays 0.

Yeas:

Messrs.	Dumas	Lolley	Oden
Adams	Eddins	Lowe	Reynolds
Allen	Evans	Mathews	Roberts
Bentley	Gilchrist	McCain	Robison (Montgomery)
Brannan	Givhan	McDow	Robison (Pickens)
Carter	Hawkins	Metcalf	Smith
Clark	Hornsby	Montgomery	Taylor
Cooper	James	Nichols	Tyson

—31

Nays:

—0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 4.

Yeas:

Messrs.	Gilchrist	Lowe	Roberts
Adams	Givhan	Mathews	Robison (Montgomery)
Brannan	Hawkins	McDow	Robison (Pickens)
Clark	Hornsby	Montgomery	Smith
Dumas	James	Nichols	Taylor
Eddins	Lolley	Reynolds	Tyson
Evans			—24

Nays:

Messrs.	Carter	McCain	Metcalf
Bentley			—4

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Eddins, further consideration of the Bill, S. B. 336, was indefinitely postponed.

RECESS

At 1:50 P. M., on motion of Mr. Nichols, in accordance with Resolution heretofore adopted, the Senate recessed until 3 o'clock P. M. for the purpose of holding a memorial service for Honorable J. Earl Speight, the late Secretary of Senate.

AFTERNOON SESSION THIRTY-SECOND LEGISLATIVE DAY TUESDAY, AUGUST 20, 1963

The Senate re-assembled at 3 o'clock P.M., Lieutenant Governor Allen presiding.

ROLL CALL

Present:

Messrs.	Eddins	Lowe	Roberts
Adams	Evans	Mathews	Robison (Montgomery)
Allen	Gilchrist	McCain	Robison (Pickens)
Bentley	Givhan	McDow	Shelton
Brannan	Hammond	Metcalf	Smith
Carter	Hawkins	Montgomery	Taylor
Clark	Hornsby	Nichols	Tyson
Cooper	James	Oden	Wilson
Dumas	Lolley	Reynolds	

—34

BILLS ON THIRD READING

The Bill:

H. 466. Relating to counties having populations of not less than 96,000 nor more than 106,000; providing additional expense allowances for certain county officers, payable from the general funds of the county.

was taken up.

Mr. Hawkins offered the following substitute for the Bill, to-wit:

SUBSTITUTE FOR H. B. 466:

A BILL
TO BE ENTITLED
AN ACT

Relating to counties having populations of not less than 96,000 nor more than 106,000; providing additional expense allowances for certain county officers, payable from the general funds of the county.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In all counties having populations of not less than 96,000 nor more than 106,000, according to the most recent federal decennial census, each of the following county officers shall be entitled to an additional allowance for expenses in the amount of \$1,200 per annum, payable in equal monthly installments from the general funds of the county; namely, the sheriff, the circuit solicitor, the clerk of the circuit court, the register of the circuit court, the tax assessor, the tax collector, and each associate member of the court of county commissioners, board of revenue, or other like county governing body. The presiding judge, president or chairman of the county governing body shall also be entitled to an additional expense allowance in the amount of \$1,500 per annum, payable in like manner.

Section 2. The allowances provided for in this act are additional, supplemental, and cumulative.

Section 3. This act shall take effect on the first of the month next following the date of its enactment.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Pickets)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

And said Bill, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Hawkins	McCain	Robison (Pickens)
Bentley	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 554. Relating to counties having populations of not less than 96,000 nor more than 106,000; regulating and providing for payment of expense allowances of constables serving the county court in such counties.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 748. Relating to counties having populations of not less than 96,000 nor more than 106,000; authorizing certain teachers in the public schools who are over age seventy to be continued in service; and prescribing conditions for their continued employment.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 760. To alter, rearrange and extend the boundary lines and corporate limits of the City of Scottsboro, in Jackson County, Alabama, and to prescribe the time when this Act shall become effective.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hawkins	Nichols	Taylor
Carter	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 766. To repeal Act No. 343 of the Legislature of Alabama of 1953, approved August 17, 1953 (Acts of Alabama of 1953, page 404, et seq.), and any other Act of the Legislature establishing or providing for any supplemental retirement fund for deputy sheriffs and other persons employed by the Sheriff in counties having a population of 400,000 or more according to the last or any future federal census, to provide for the liquidation and distribution of any such supplemental retirement fund, to provide for securing in said liquidation and distribution the payment of benefits due or to become due under any such act and to provide that any surplus in such fund shall be paid into the fund of the pension system of the general employees of the county to which system the said Deputy Sheriffs and other employees belonged prior to retirement.

was taken up.

Mr. Dumas offered the following amendment to the Bill, to-wit:

AMENDMENT TO H. B. 766

Amend the title of H. B. 766 by adding after the words "TO BECOME DUE UNDER ANY SUCH ACT" the following words and figures "OR UNDER ANY ACT ADOPTED DURING THE 1963 SESSION OF THE LEGISLATURE OF ALABAMA" and

Amend Section 4 of H. B. 766 by adding after the words "became entitled to benefits" the following words and figures "or accruing in favor of any assistant sheriff or employee in the sheriff's office, under the terms of any Act adopted during the 1963 session of the Legislature of Alabama, regardless of whether such act is adopted prior to or subsequent to the adoption of this Act;"

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Dumas			

—24

Nays:

—0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Dumas			

—24

Nays:

—0

The Bill:

H. 800. Relating to Marshall County; providing deputies and other assistants for the sheriff and fixing their compensation; repealing conflicting laws.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 803. To prohibit the taking of fish from the public waters of Marshall County with certain commercial fishing gear during certain months; and prescribing penalties.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Smith
Bentley	Hammond	Nichols	Taylor
Carter	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 839. To apply only in Shelby County; regulating further the taking of fish from public streams and impounded waters; authorizing the taking of catfish by the use of baskets or nets including wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 840. To amend further Act No. 479, H. 1079, Regular Session 1959 (1959 Acts, p. 1198), an Act establishing the Law and Equity Court for Shelby County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	McDow	Robison (Montgomery)
Brannan	Givhan	Metcalf	Shelton
Carter	Hammond	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 841. To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves stocked by artificially propagated upland birds in Shelby County; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hawkins	McDow	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 842. To provide that no municipality whose corporate limits do not lie within or extend into and embrace and include a portion of Shelby County shall have or exercise police jurisdiction within Shelby County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Shelby County or over or on any person in Shelby County or property or business or trade or profession in Shelby County; nor shall any such municipality levy, fix or collect any license or fee of any kind on or for the exercise of any business, trade or profession done in Shelby County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violation thereof have force or effect in Shelby County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 843. To alter and rearrange the boundaries of the Town of Alabaster, and extend the corporate limits of the municipality, making the act effective upon approval of the qualified electors of the territory to be annexed, and providing for a referendum on the proposition.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	McDow	Robison (Montgomery)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 844. To alter, rearrange, and extend the boundaries of the town of Alabaster, Shelby County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Eddins	Lolley	Reynolds
Adams	Evans	Lowe	Roberts
Allen	Gilchrist	Mathews	Robison (Montgomery)
Bentley	Givhan	McDow	Robison (Pickens)
Cooper	Hornsby	Nichols	Taylor
Dumas	James	Oden	Tyson

—24

Nays:

—0

The Bill:

H. 764. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, to authorize and empower the Legislature by general or local laws to fix, regulate, and change the jurisdiction of any or all inferior courts established in lieu of Justices of the Peace in Jefferson County, in all civil cases so long as the amount in controversy does not exceed five hundred dollars, except in cases of libel, slander, assault and battery, and ejectment; and to ratify, validate, and confirm all acts of the Legislature, whether general or local, providing for such change in jurisdiction prior to the adoption of this amendment, and all judgments of such courts rendered pursuant to such Acts.

Was read a third time at length as required by the Constitution and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Dumas			

—24

Nays:

—0

The Bill:

H. 765. To require the payment to the Sheriff of Jefferson County, Alabama, of a fee of Five Dollars (\$5.00) for each pistol permit issued by him; to provide that the Sheriff shall pay the said Five Dollars (\$5.00) to the County Treasurer; to provide that the County Treasurer shall deposit Fifty Cents (50c) of said fee in the General Fund of the County and shall pay Four Dollars and Fifty Cents (\$4.50) of said fee to the Fund of the Retirement System for County Employees of Jefferson County established by Act No. 551 of the Legislature of Alabama of 1953 approved September 9, 1953 (Acts of Alabama, 1953, pages 766, et seq.) so long as the benefits paid under said Act No. 551 are less than the benefits provided for by the schedule of specific benefits stated in said Act; to provide that when the aforesaid Four Dollars and Fifty Cents (\$4.50) of said fee is not paid the said Fund established by Act No. 551 the said Four Dollars and Fifty Cents (\$4.50) shall be paid to the Fund of the Retirement System for County Employees established by Act No. 843 of the Legislature of Alabama of 1961, approved September 8, 1961, (Acts of Alabama of 1961, pages 1250, et seq.); to provide that the collection of said fee shall not commence until Act No. 343 of the Legislature of Alabama of 1953, approved August 7, 1953, (Acts of Alabama of 1953, page 404, et seq.) has been repealed; and to repeal all laws and parts of laws in conflict with this Act.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Montgomery)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 322. For the relief of Peggy Cook, a minor child, authorizing and requiring the county governing body of Tuscaloosa County, Alabama, to

make an appropriation from the county treasury to compensate the said Peggy Cook for certain damages sustained by said minor child, Peggy Cook.

was taken up.

Mr. McCain offered the following amendment to the Bill, to-wit:

Amendment to S.B. 322

Amend Section 1 of SB 322 by striking therefrom the words and figures "Five Thousand and no/100 (\$5,000.00) Dollars" and inserting in lieu thereof the following: "Two Thousand Two hundred Fifty and no/100 Dollars (\$2250.00)."

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

And said Bill, as thus amended, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

S. 323. For the relief of Willard Cook, authorizing and requiring the County governing body of Tuscaloosa County, Alabama, to make an appropriation from the county treasury to compensate the said Willard Cook for certain damages sustained by said Willard Cook.

was taken up.

Mr. McCain offered the following amendment to the Bill, to-wit:

Amendment to S.B. 323

Amend Section 1 of SB 323 by striking therefrom the words and figures "Four Thousand and no-100 (\$4,000.00) Dollars" and inserting in lieu thereof the following: "One Thousand and no/100 Dollars (\$1,000.00)."

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Hammond	McDow	Robison (Pickens)
Brannan	Hawkins	Metcalf	Shelton
Carter	Hornsby	Montgomery	Smith
Clark	James	Nichols	Taylor
Cooper	Lolley	Oden	Tyson
Dumas	McCain	Reynolds	Wilson
Eddins			

—24

Nays:

—0

And said Bill, SB 323, as thus amended, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McCain	Reynolds
Brannan	Hammond	McDow	Shelton
Carter	Hawkins	Metcalf	Smith
Clark	Hornsby	Montgomery	Taylor
Cooper	James	Nichols	Tyson
Dumas	Lolley	Oden	Wilson
Eddins			

—24

Nays:

—0

The Bill:

§. 324. For the relief of Irene Hallman, authorizing and requiring the county governing body of Tuscaloosa County, Alabama, to make an appropriation from the county treasury to compensate the said Irene Hallman for certain damages.

was taken up.

Mr. McCain offered the following amendment to the Bill, to-wit:

Amendment to S.B. 324

Amend Section 1 of SB 324 by striking therefrom the words and figures "Four Thousand and no/100 (\$4,000.00) Dollars" and inserting in lieu thereof the following: "Two Thousand Two Hundred Fifty and no/100 Dollars (\$2,250.00)."

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

—0

Nays:

And said Bill, SB 324, as thus amended, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Smith
Bentley	Hawkins	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 327. Relating to counties having populations of not less than 42,000 nor more than 46,000; providing clerical assistance for the county solicitor of such counties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

S. 329. To provide for additional supplemental salary to be paid by counties to circuit judges of circuits composed of only one county with a population under 500,000 and having two court houses where circuit court is required by law to be held; to fix the amount and method of payment thereof; and to further provide for the effective date of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Pickens)
Brannan	Hammond	Metcalfe	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 769. To further amend Sections 3, 7 and 9 of Act No. 843 of the Regular Session of the Legislature of Alabama of 1961, approved September 8, 1961.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	McDow	Robison (Pickens)
Brannan	Hammond	Metcalfe	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 948. To provide further for purging the lists of registered voters in Tallapoosa County, requiring and prescribing the procedure for reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification of registered voters; and providing penalties for making a wilful false statement in connection with reidentification.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 354. To authorize, direct, and require the State Department of Revenue to collect any sales and use taxes which may be levied in the Town of Addison, Alabama, in Winston County, Alabama, under the provisions of any ordinances or resolution duly promulgated and adopted by the governing body of the Town of Addison, Alabama to prescribe the power, duties, and authority of the State Department of Revenue with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Wilson
Clark			

—24

Nays:

—0

The Bill:

H. 752. To amend Section 2 of Act No. 412, H. 878, Regular Session 1961 (Acts 1961, p. 429), relating to certain county officers in counties classified according to population.

was taken up.

The Standing Committee on Local Legislation offered the following substitute for the Bill, to-wit:

COMMITTEE SUBSTITUTE FOR H.B. 752

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 2 of Act No. 412, H. 878, Regular Session 1961 (Acts 1961, p. 429), relating to certain county officers in counties classified according to population.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 2 of Act No. 412, H. 878, Regular Session 1961 (Acts 1961, p. 429), relating to compensation and allowances of certain officers in counties having populations of not less than 96,000, nor more than 106,000 according to the last or any subsequent federal decennial census is amended to read as follows:

"Section 2. The Judge of probate of every county to which this Act applies shall be entitled to receive an annual salary of Twelve Thousand (\$12,000.00) Dollars, payable in equal monthly installments from the county treasury."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect on the expiration of the term of office of the incumbent judge of probate.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	McDow	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

And said Bill, HB 752, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Smith
Bentley	Hawkins	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 715. To alter, rearrange and extend the boundary lines and corporate limits of the town of Butler, in Choctaw County, Alabama.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 716. Relating to counties having not less than 17,800 nor more than 18,700 populations; providing for the payment of additional expense allowances of members of the court of county commissioners, board of revenue or like governing body of such counties.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Metcalf	Robison (Pickens)
Brannan	Hawkins	Montgomery	Shelton
Carter	Hornsby	Nichols	Smith
Clark	James	Oden	Taylor
Cooper	Lolley	Reynolds	Tyson
Dumas	McDow	Roberts	Wilson
Eddins			

—24

Nays:

—0

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 44. Creating an interim fiscal advisory committee to the Governor.

CHARLES A. MONTGOMERY,
Chairman.

SIGNING OF SENATE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Clark:

S. 470. To make conditional appropriations from the Mental Health Fund.

Committee on Finance and Taxation.

By Mr. Taylor:

S. 471. To require notice of redemption prior to maturity of public securities to be given to the State Department of Finance and the State Banking Department.

Committee on Municipalities and Municipal Organizations.

By Mr. Brannan:

S. 472. Proposing an Amendment to the Constitution of Alabama to authorize a hospital tax in certain precincts of Baldwin County and the financing of hospitals and health facilities with bonds, warrants or certificates of indebtedness issued in anticipation of the collection of such tax.

Committee on Constitution and
Constitutional Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Allen:

S. 473. To make an appropriation of highway department funds for the relief of R. E. Hardy.

Committee on Finance and Taxation.

By Mr. Allen:

S. 474. To make an appropriation from the state treasury for the relief of N. P. Taylor and Kate Taylor.

Committee on Finance and Taxation.

By Mr. Allen:

S. 475. To make an appropriation of highway department funds for the relief of Denson Concrete Pipe Company, Inc. of Gadsden, Alabama.

Committee on Public Roads and Highways.

By Mr. Allen:

S. 476. To make an appropriation of highway department funds for the relief of Curl Concrete Company, Inc. of Glencoe, Alabama.

Committee on Public Roads and Highways.

By Mr. Allen:

S. 477. To make an appropriation of highway department funds for the relief of Wallace Edge.

Committee on Finance and Taxation.

By Mr. Allen:

S. 478. To make an appropriation of highway department funds for the relief of Joe L. Jones.

Committee on Finance and Taxation.

By Mr. Allen:

S. 479. To make an appropriation of highway department funds for the relief of Broughton Hamm and Alta V. Hamm.

Committee on Finance and Taxation.

By Mr. Allen:

S. 480. To make an appropriation of highway department funds for the relief of Bennie M. Turner and Drucilla G. Turner.

Committee on Finance and Taxation.

By Mr. Nichols:

S. 481. To make a conditional appropriation to the Department of Conservation - State Parks Division.

Committee on Finance and Taxation.

By Mr. Dumas:

S. 482. To alter, rearrange, and extend the boundaries of the city of Bessemer in Jefferson County, providing for a Referendum Election to determine whether the Act will become effective.

Committee on Public Buildings and Grounds.

By Mr. Dumas:

S. 483. To authorize any municipality within any county within the State of Alabama, which county has a population of more than 400,000 inhabitants according to the last preceding or any subsequent federal census, to pay, and contract and agree with the United States of America, the State of Alabama, or any such county or any municipality within any such county, or any of them, to pay, part of the costs of establishing, constructing, reconstructing, improving or reimproving, within any such county, any public highway, overpass, underpass, bridge or causeway, or any combination thereof, whether within or without or partly within or partly with-

out the corporate limits of the municipality making such payment or entering into such agreement or contract, and whether within or partly within the corporate limits of another municipality within any such county, provided that the governing body of the municipality making such payment or entering into such agreement or contract shall by resolution have found and determined that said municipality will be benefitted thereby.

Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES

Mr. Cooper, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Tyson (With Notice and Proof):

S. 458. Relating to Mobile County; requiring an annual appropriation from the general fund of the county to the Mobile County hospital board.

By Mr. Smith:

S. 460. To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in all counties having populations of not less than 46,000 nor more than 46,500 according to the 1960 or any subsequent federal decennial census; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

By Mr. Tyson (With Notice and Proof):

S. 461. To further amend Section 6 of Act No. 105, S. 152, Regular Session 1955 (Acts 1955, p. 350), relating to the corporate powers and the duties of the Mobile County Hospital Board, exempting the members thereof from personal liability and civil damages for actions taken in performance of official duties.

By Messrs. Hornsby and Mathews:

S. 446. Relating to county boundaries; to rearrange the boundaries between Coosa and Tallapoosa Counties.

By Mr. Tyson:

S. 445. Providing further for the reduction of the corporate limits of cities having populations of not less than 200,000 nor more than 300,000, according to the 1960 or any subsequent federal decennial census.

By Mr. Montgomery (With Notice and Proof):

S. 408. Relating to Greene County; declaring motor vehicles, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting in the county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state conservation fund.

By Mr. Montgomery (With Notice and Proof):

S. 409. Relating to Greene County; authorizing and empowering the Court of County Commissioners of Greene County, or other like governing

body of the county, to authorize the Sheriff of Greene County to appoint one deputy sheriff in addition to the number of deputys sheriff now authorized by law; empowering the governing body of the county to fix the compensation of such additional deputy within specified limits, and providing for the payment thereof.

By Mr. McCain:

S. 449. To provide for and require reidentification of the registered voters of counties having a population of not less than 100,000 or more than 115,000 according to the latest or any subsequent federal census and imposing duties upon the board of registrars and other county officers and upon the electors whose names appear on the list of qualified voters in such counties.

By Mr. Hammond (With Notice and Proof):

S. 452. Relating to Cherokee County; fixing the compensation of certain county officers and amending Act No. 162, S. 210, Regular Session 1943 (Local Acts 1943, p. 78).

By Mr. Roberts (With Notice and Proof):

S. 451. Relating to public schools of Madison County; creating an educational survey committee to study, evaluate and make recommendations for improvements in the public school systems of the county; and making appropriations.

By Mr. Hammond (With Notice and Proof):

S. 453. Relating to Cherokee County, Alabama: to abolish the Cherokee Law and Equity Court and to create and establish in lieu thereof a court of record to be known as the "Cherokee County Court"; to define the court's jurisdiction, powers and venue; to provide for its officers, their appointment and election, their powers, duties, tenure and compensation; to provide for the transfer of all cases from the dockets of the Cherokee Law and Equity Court to the Cherokee County Court; to provide for the transfer of certain cases pending in the Cherokee County Court to the law or equity side of the Circuit Court; to invest said court with the powers and jurisdiction heretofore exercised by the Cherokee Law and Equity Court; to prescribe rules of procedure for said court; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide for the execution of the process of said court and the operation thereof; and to repeal all conflicting laws.

By Mr. Hammond (With Notice and Proof):

S. 454. Relating to Cherokee County, fixing the compensation of the county superintendent of education, and further amending Section 2 of Act No. 215, S. 254, Regular Session 1927, (Local Acts 1927, p. 121).

By Mr. Hammond (With Notice and Proof):

S. 455. Relating to Cherokee County; providing further for the compensation of the coroner of Cherokee County, amending Act No. 609, H. 1124, Regular Session 1957 (Acts 1957, p. 1500).

By Mr. Tyson (With Notice and Proof):

S. 462. To further amend Section 5 of Act No. 369, H. 952, Regular Session 1955 (Acts 1955, p. 892) relating to the levy of a gasoline tax

in Mobile County; further providing for the distribution of the proceeds therefrom.

By Messrs. Gilchrist and Horton:

S. 463. To provide for the appointment of an investigator for the circuit solicitor of circuits composed of three counties having a combined population of more than 100,000; and authorizing the appointment of clerical assistants; and providing for the payment of investigative expenses.

By Mr. Paulk (With Notice and Proof):

H. 996. Relating to Bullock County; authorizing the county governing body to formulate and adopt rules and regulations for the enforcement and collection of certain taxes levied under authority of Constitutional Amendment No. CXXVIII and to allocate and expend the proceeds thereof and to adopt appropriate ordinances and resolutions implementing the amendment.

By Mr. Paulk (With Notice and Proof):

H. 1058. Relating to Bullock County; to provide a clerk hire allowance for certain county officers.

Mr. Reynolds, Chairman of the Standing Committee on Counties and County Boundaries, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Salter et al:

H. 472. To provide further for the employment of a full-time County Engineer; to provide for the compensation of such office; to prescribe qualifications of such office; to prescribe his duties and authority; to provide for the State Highway Department to supplement the salary of the office; to provide for the retirement of the County Engineer to the extent of the State's participation in the salary.

By Messrs. Bevill, Scurlock and Campbell (Tuscaloosa):

H. 301. To create the office of supernumerary chief clerk of the probate court of each county of this state; to prescribe the conditions under which a chief clerk may become a supernumerary chief clerk; to prescribe the qualifications, tenure in office, duties, powers, authority, compensation, and the method of removal from office of such supernumerary chief clerks; and to provide for the payment of their compensation out of the state treasury.

By Mr. Glass:

H. 711. Relating to counties; authorizing the payment from county funds of premiums for bonds required of notaries public who are county employees.

Mr. Dumas, Chairman of the Standing Committee on Public Buildings and Grounds, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment; and it was read a second time and placed on the calendar, to-wit:

By Mr. Dumas (With Amendment):

S. 464. To amend further Act No. 452, H. 974, Regular Session 1955 (Acts 1955, p. 1004), relating to the establishment of a mayor-council form of municipal government in cities having populations of more than 200,000.

Mr. Smith, Chairman of the Standing Committee on Immigration, Industrial Resources and Labor, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwyn (With Amendment):

H. 831. To provide an appropriation of funds which are available to the Division of Employment Security of the Alabama Department of Industrial Relations out of funds credited to this State's account in the Unemployment Trust Fund by the Secretary of the Treasury of the United States of America, pursuant to section 903 of the Social Security Act, as amended, for the purpose of acquiring land or lands adjoining or adjacent to the building now being built by the State of Alabama on the north side of Monroe Street in the City of Montgomery to be occupied by the Division of Employment Security of the Department of Industrial Relations of the State of Alabama, said land or lands to be used for automobile parking purposes by employees of the said division of Employment Security.

Mr. Smith, Chairman of the Standing Committee on Immigration, Industrial Resources and Labor, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwyn:

H. 832. To provide for the liquidation of the obligation of the State of Alabama to the Treasurer of the United States as a result of benefits paid under the Temporary Unemployment Compensation Act of 1958.

BILLS ON THIRD READING RESUMED

The Bill:

H. 717. Proposing an amendment to the Constitution of Alabama relative to promotion of economic development of Clarke County.

Was read a third time at length as required by the Constitution and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	McDow	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 759. Relating to counties having populations of not less than 50,000 nor more than 54,000; providing expense allowances for members of the court of county commissioners, board of revenue, or other like county governing body.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hawkins	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 857. To authorize the governing body of any county having a population of not less than 15,300 nor more than 15,400 to appropriate county funds to municipal industrial development boards within or without the county.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Tyson
Clark			

—24

Nays:

—0

The Bill:

H. 776. To repeal an act entitled "An Act, relating to Lawrence County, providing for a Fine and Forfeiture Fund in the County Treasury and for the use thereof, repealing Act No. 362, H. 471, Regular Session 1961 (Acts 1961, Vol. 1, page 381), an act abolishing the Fine and Forfeiture Fund of the County."

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	McDow	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 777. Relating to Lawrence County, providing for a Fine and Forfeiture Fund in the County Treasury and for the use thereof, repealing Act No. 362, H. 741, Regular Session 1961 (Acts 1961, Vol. 1, page 381), an act abolishing the Fine and Forfeiture Fund of the County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hornsby	Nichols	Smith
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 833. To amend further Section 1 of Act No. 64, H. 259, Regular Session 1947 (Local Acts 1947, p. 45), an act providing for the appointment of a deputy clerk for the circuit court of Morgan County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 834. To altar, rearrange, and extend the boundaries of the City of Decatur in Morgan County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	McDow	Robison (Montgomery)
Brannan	Hawkins	Metcalf	Shelton
Carter	Hornsby	Montgomery	Smith
Clark	James	Nichols	Taylor
Cooper	Lolley	Oden	Tyson
Dumas	Lowe	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 836. To amend further Section 1 of Act No. 68, H. 263, Regular Session 1947 (Local Acts 1947, p. 51), an act providing for the appointment of a deputy register for the circuit court of Morgan County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 848. To make it lawful for any person, or persons, to use stationary fish traps with wooden fingers or slats not less than one and one-half inches apart for the purpose of taking or catching commercial or non-game fish in that part of any river that lies within counties in Alabama having a population not less than 65,000 nor more than 95,000 according to the last or any subsequent federal census; and to further regulate the operation of such traps.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hawkins	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 849. To create and establish in Talladega County a county court of limited jurisdiction of criminal, civil cases at law and juvenile cases, composed of two divisions, a Northern Division and a Southern Division, to be known as the "County Court of Talladega County", Northern Division and Southern Division, and abolish the Intermediate Court of Talladega County created by Act 733, H. 1077, approved September 5, 1951 (Acts of 1951, page 1281), and also the Civil and Misdemeanors Court of South Talladega County, created by Act 109, S. 37, approved August 24, 1959 (Acts of 1959, page 330); providing for its officers and their term, powers, duties, compensation and method of selection; prescribing its jurisdiction; regulating its procedure and process; providing for the return of warrants thereto, including all warrants for the violation of the rules of the road and similar offenses; fixing the costs, charges and commissions collectible in the court; providing for appeals from the court; providing for the transfer to the court of all cases pending in and judgments rendered by the Intermediate Court of Talladega County and the Civil and Misdemeanors Court of South Talladega County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Nichols	Wilson
Clark			

—24

Nays:

—0

The Bill:

H. 757. To alter, re-arrange and extend the boundaries and corporate limits of the municipality of Greensboro in Hale County; annexing certain territory to said municipality.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Brannan	Carter	Clark
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Cooper	Hornsby	Montgomery	Shelton
Dumas	James	Nichols	Smith
Eddins	Lolley	Oden	Taylor
Givhan	McDow	Reynolds	Tyson
Hammond	Metcalf	Robison (Pickens)	Wilson
Hawkins			

—24

Nays:

—0

The Bill;

H. 736. Relating to Cullman County; authorizing and providing for the establishment, maintenance, operation, control and financing of a public law library for the county.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 737. To amend Section 1 of Act No. 56, H. 325, Regular Session 1943 (Local Acts 1943, p. 28), an act authorizing the levy in Cullman County of a privilege tax on persons and businesses selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county gasoline, naptha, and other liquid motor fuels or any device or substitute therefor, commonly used in internal combustion engines.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hawkins	Nichols	Smith
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 710. To alter, rearrange, and extend the boundaries and corporate limits of the town of Centreville in Bibb County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	James	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 758. Relating to the Perry County Hospital Board; authorizing the expenditure of certain public hospital funds for training student nurses.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	McDow	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 972. Relating to counties having populations of not less than 115,000 nor more than 160,000; further regulating the sale of alcoholic beverages in such counties and certain municipalities therein.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Smith
Bentley	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 788. Relating to municipalities having a mayor-council form of government; further regulating the election, compensation, powers and duties of the mayor in all cities having populations of not less than 70,000 nor more than 120,000 according to the 1960 or any subsequent federal decennial census, and repealing conflicting laws.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Tyson
Clark			

—24

Nays:

—0

The Bill:

H. 789. To amend Act No. 395, H. 833, Regular Session 1961 (Acts 1961, v. 1, p. 407), an act providing for the election of the mayor and council in cities having populations of not less than 70,000 nor more than 120,000, in relation to the amount of the qualifying fee required of candidates for mayor or councilman.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Roberts
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 971. Authorizing any municipality having a population of not less than seventy thousand nor more than one hundred thirty thousand according to the most recent federal decennial census to create a planning commission having certain powers, duties, and regulations.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 485. To provide expense allowance to circuit solicitors in judicial circuits composed of three or more counties in addition to those expenses now allowed by law.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 486. To provide expense allowance to circuit court judges in judicial circuits composed of three or more counties in addition to those expenses now allowed by law.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 970. Relating to counties having populations of not less than 110,000 nor more than 160,000; creating an educational survey committee to study, evaluate and make recommendations to the boards of education of such counties for improvements in the public school systems of the county; and making appropriations.

was taken up.

Mr. Roberts offered the following amendment to the Bill, to-wit:

Amendment to H.B. 970

To amend House Bill 970 by amending Section 3 to include the words "and set the salary of" between the words "appoint" and "an" as they appear in the first line of said section.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Smith
Bentley	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

And said Bill, HB 970, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Smith
Bentley	Hawkins	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 363. Relating to Pickens County; providing for appointment of the county superintendent of education, and for his tenure, qualifications, and compensation; repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

S. 365. To amend Section 1 of Act No. 278, H. 849, Regular Session 1935, an act providing for the nomination and election of members of the court of county commissioners of Pickens County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Hammond	McCain	Robison (Pickens)
Brannan	Hawkins	Metcalf	Shelton
Carter	Hornsby	Montgomery	Smith
Clark	James	Nichols	Taylor
Cooper	Lolley	Oden	Tyson
Dumas	Mathews	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 366. Relating to counties having populations of not less than 115,000 nor more than 165,000; authorizing the court of county commissioners, board of revenue or like governing body to create a special revolving fund for the purpose of purchasing and selling federal revenue stamps as a service to the general public.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Bentley	Eddins	Givhan
Adams	Cooper	Evans	Hornsby
Allen	Dumas	Gilchrist	James

Lolley	Nichols	Roberts	Taylor
Lowe	Oden	Robison (Montgomery)	Tyson
Mathews	Reynolds	Robison (Pickens)	Wilson
McCain			

—24

Nays:

—0

The Bill:

H. 801. Relating to Marshall County; changing the method of compensating certain county officers; placing such officers on a salary; and providing for their assistants and the office space and equipment necessary for the conduct of their offices.

was taken up.

The Standing Committee on Local Legislation reported the following amendment to the Bill, to-wit:

AMENDMENT TO HOUSE BILL NO. 801

Amend Section 1 (d) of House Bill 801 by striking the words and figures "Seven Thousand Two Hundred Dollars (\$7,200.00)" where they appear therein and insert in lieu thereof "Eight Thousand Dollars (\$8,000.00)".

Further amend House Bill 801 in Section 2 (a) by striking the words and figures "Thirteen Thousand Dollars (\$13,000.00)" where they appear therein and insert in lieu thereof "Fifteen Thousand Dollars (\$15,000.00)".

Further amend Section 2 of House Bill 801 by striking the words and figures "Ten Thousand Dollars (\$10,000.00)" where they appear therein and insert in lieu thereof "Ten Thousand Five Hundred Dollars (\$10,500.00)".

Further amend House Bill 801 in Section 2 by striking the words and figures "Seven Thousand Five Hundred Dollars (\$7,500.00)" where they appear therein and insert in lieu thereof the words and figures "Seven Thousand Dollars (\$7,000.00)".

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Wilson
Clark			

—24

Nays:

—0

And said Bill, HB 801, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 802. Relating to Marshall County; abolishing the Board of Revenue and Control and creating in lieu thereof the Commission on Government and Finance of Marshall County; providing for the election of the members of the commission, prescribing their qualifications, terms, and compensation; providing for the organization, powers, duties, jurisdiction and function of the commission and the authority and duty of its members; and prescribing penalties.

was taken up.

The Standing Committee on Local Legislation reported the following amendment to the Bill, to-wit:

AMENDMENT TO H.B. 802

Amend House Bill 802 as follows:

In Section 10, second paragraph delete the following words where they appear therein in line two: "private firms, municipalities, or individuals," and insert in lieu thereof the following words: "municipalities and licensed contractors,"

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Reynolds
Adams	Gilchrist	Mathews	Roberts
Allen	Givhan	McCain	Robison (Montgomery)
Bentley	Hawkins	Montgomery	Robison (Pickens)
Carter	James	Nichols	Tyson
Dumas	Lolley	Oden	Wilson
Eddins			

—24

Nays:

—0

And said Bill, HB 802, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 779. Relating to Lee County; authorizing the county to pay the expenses of the sheriff and his deputies incurred in attending approved courses in Law enforcement training; giving the Act limited retroactive effect.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 780. To amend Act No. 394, H. 828, Regular Session 1961 (Acts 1961, v. 1, p. 406) in relation to the compensation of the chief deputy and other deputies and assistants of the sheriff of Lee County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Smith
Bentley	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 781. To provide for the payment of an expense allowance to members of the board of revenue, court of county commissioners or like governing body of Lee County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalfe	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

S. 371. Proposing an amendment to the Constitution relating to levying a special school tax in the school district of the City of Huntsville in Madison County.

Was read a third time at length as required by the Constitution and passed and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 377. To amend and reenact Act No. 934, H. 1263, Regular Session 1961 (Acts 1961, p. 1506), which provides for a program of tax equalization of all real property in any county of the state having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal decennial census.

was taken up.

Mr. Tyson offered the following substitute for the Bill, to-wit:

SUBSTITUTE FOR SB 377

A BILL
TO BE ENTITLED
AN ACT

To provide for a program of tax equalization of all real property in any county of the state having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal decennial census; to more fully define the duty, authority and responsibility of the Tax Assessor of such counties in the matter of equalizing assessments of real property within such counties; to provide for the division of such counties into districts for the purpose of tax assessment records; to require that certain records be kept and maintained on a current basis by the Tax Assessor of such counties; to describe the manner in which such records are to be kept; to provide a time within which the equalization program required herein is to be initially completed; to provide for a continuous program of appraisal of real property within such counties; to provide for the assessments of improvements to real property within such counties; to prescribe penalties for failure to assess, or properly assess, improvements to real property within such counties; to provide for a portable set of assessment records for use by appraiser appointed by the Tax Assessor; to set the salaries of the Board of Equalization and to provide the method of payment; to define the duties of the Board of Equalization in such counties in the matter of the equalization of assessments of real property; to provide that no outstanding obligations against the proceeds of any tax derived from assessments of real properties in such counties shall be impaired by the provisions of this Act; to provide for appeals of any assessment made by the Tax Assessor or ruling of the Board of Equalization of such counties; to provide for the necessary personnel, supplies, materials, and equipment to carry out the provisions of this Act and to provide the manner in which personnel are to be appointed in such counties; to provide for the severability of the provisions of the Act; to repeal all laws or parts of laws in conflict with the provisions of this Act.

Be It Enacted By The Legislature Of Alabama:

Section 1. The Tax Assessor of any county in this State having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent Federal decennial census shall have the prime responsibility and authority as hereinafter provided for assessing all property subject to Ad Valorem taxes within such county which are subject to assessment by him, within any such county and shall, also, have the prime responsibility and authority as hereinafter provided for equalizing the assessments against all such property.

Section 2. As soon as practicable after the provision of this Act are effective in any county of this State the Tax Assessor shall divide the county into districts for the purpose of setting up the geographic listing of assessments as required herein. All such divisions of such counties shall be made in such a manner as to clearly define the district and shall parallel and conform to any and all plat books maintained by such Tax Assessor in accordance with Sections 66, 67 and 68, Title 51, Code of Alabama, 1940, as amended. The name of all recorded subdivisions shall be used where applicable to describe parcels grouped together within such subdivisions and/or additions thereto or subdivisions thereof. For undeveloped or sparsely developed (less than 20 persons per acre) areas the division shall be by township and range. For all business districts or industrial districts and/or areas in which less than twenty persons per acre reside, convenient and wellknown or recognizable names shall be used to define such districts, or the boundaries of such districts may be given by streets and/or other well-defined geographical features.

Section 3. The Tax Assessor, in addition to all other duties placed on him by law, shall prepare and maintain in a current, up-to-date fashion

a geographic listing of all assessments made by him. Such geographic listing shall conform to and parallel any and all plat book listings of property owners (or assessors) as are kept by any such Tax Assessors in accordance with the provisions of Sections 66, 67 and 68, Title 51, Code of Alabama, 1940, as amended, and shall be kept as an integral part of any such plat books, with the entries required herein entered on the same page as the name information maintained as part of the plat book records. Any Tax Assessor coming under the provisions of this Act is hereby required to maintain the plat book listings of property owners (or assessors) in a current up-to-date manner.

Section 4. The geographic listing of assessments shall show in columnar form the following information as a minimum requirement; (a) a brief, clear identification of each parcel or property assessed; (b) name of person, firm, corporation, or association in whose name the parcel is assessed; (c) appraised value of each parcel as determined by the Tax Assessor on the date of last appraisal; (d) the assessed value of each parcel; the ratio, expressed as the percentage figure, of the assessed value of each parcel to the appraised value of such parcel. All information and/or entries as required within this section shall be of permanent character neat and legible, either printed, handwritten, or typewritten, in a color other than red or green, and presented in such a manner on the page that a searcher (for information) after examining the plat book to determine the identifying number, letter, or symbol of the property, may, by referring to the left-hand column of the geographic listing of assessments, find the particular number, letter or symbol of the parcel of property in its proper numeric, or other logical sequence. All information required, or listed, in addition to the identifying description, shall be on the same line from left to right across the page. All listings shall be so spaced horizontally, that three changes in any listing may be made beside the initial listing. Whenever any change is made, either in the assessed or appraised value of a parcel such change or changes, along with the assessment ratio, will be entered on the line of such listing in the space designated in the Tax Assessor's record for the year in which such change is made, such new information not to include the initial description of the parcel. Whenever property, after initial listing for assessment as a parcel, is divided for sale or subdivision into more than one parcel, or more than one parcel is consolidated by purchase or otherwise into a lesser number of parcels or into a single parcel, then new listings will be made by the Tax Assessor for such changed parcels as newly constituted as soon as the same are reported for assessment by the owner or his agent; provided that no parcels having any improvements located thereon may be consolidated with other parcels (for assessment) except upon written application to the Board of Equalization by the owner or his agent and approval of such application, certified to the Tax Assessor, by such Board. In those years wherein no changes are made in a listing the space provided in the Tax Assessor's record for that year shall be left blank. Whenever all spaces for one listing have been used by reason of such changes, or for any other reason, the Tax Assessor, shall transfer the last entry for all listings on such page to a new page and shall insert the new page in the place of the old page. The Tax Assessor shall preserve all such pages, or a record thereof by photographing or microphotographing or other method of permanent reproduction approved by the governing body of the county, and shall show on the new page a reference to the location within his records of the old page.

Section 5. The Tax Assessor of any county coming under the provisions of this Act, shall proceed immediately to appoint such appraisers as authorized by the governing body of such county to properly appraise, in conformance with appraisal procedures which shall be approved by the Commissioner of Revenue of the State of Alabama, all parcels of land, and the improvements thereon, located within such county which are sub-

ject to assessment by the Tax Assessor under the general laws of the State within a period not to exceed four years. Thereafter, he shall appoint such appraisers with the approval of the county governing body as are necessary to provide for a program of continuous review of all property and property values within such county as may be necessary to maintain all properties subject to assessment by him at equal assessment, proportionate to the appraised values of such properties such program of review to cover all properties in the county at least once during each successive three year period. All such appointments of appraisers shall be made in street conformity with an existing Civil Service or Merit Law in such counties, except that Tax Assessor of any county coming under this Act, shall have complete authority to decide whether or not the secretary to the Assessor shall be under any merit system provided that these positions will not be paid more than comparable positions under the merit system. The appraised value required herein to be determined for each parcel shall be multiplied by the percentage ratio certified to the Tax Assessor by the Board of Equalization as provided by Section 9 of this Act to determine the assessed value of each parcel. All such appraisals shall be subject to final approval of the Board of Equalization each year. Except that it shall be at the discretion of the Tax Assessor as to whether or not the secretary to the assessor shall be under civil service provided that this position not be paid more than comparable positions under the merit system.

Section 6. Any person, firm, corporation or association owning property in such counties who makes or causes to be made or permits any improvements or additions to his or its property within such counties shall report such improvements or addition, the date of its completion, and the actual cost or value thereof, whichever is higher, to the Tax Assessor of such county for assessment during the next succeeding tax assessment period, such report to be supported by affidavit of the person making the report. The Tax Assessor in such counties shall determine the value to be assessed against such property on the basis of the report made and shall add such assessment to the assessment rolls, and shall enter such change in the geographic listing of assessments. It shall not be necessary for any such Tax Assessor to inspect the property after such improvements or additions are made and reported until the next appraisal of the area in which the property is located as required in Section 5 of this Act. Violations of this section shall be treated under the provisions of Title 51, Section 53, Code of Alabama, 1940, as amended, and all the provisions thereof shall apply to such violations.

Section 7. On the first day of October next after this Act has been in effect for one full year in any county, and on the first day of October of each of the next three succeeding years, the Tax Assessor in such county shall publish once in a newspaper of general circulation within the county, or shall post for a period of the month of October of each such year at some conspicuous place in the courthouse of such county should there be no newspaper of general circulation within such county, an alphabetical, or other logical list of the districts of the county in which he has completed the equalization program required by this Act, such lists after the first list to be cumulative. The lists required herein shall show the ratio in each district, expressed as a percentage, of the total assessments to the total appraisals of all property within such district.

Section 8. After the first four published reports as required in Section 7 herein, the Tax Assessor shall publish in the same manner as required in Section 7 herein, the ratio, expressed as a percentage, of the total assessment to the total appraisals of all property within the boundaries of such county that are assessed by him at the same percentages, and in the same report he shall publish a list of all property assessed at a different percentage figure except that of recipients of public assistance showing the

name of the person owning the property, the appraised value, the assessed value and the ratio, expressed as a percentage, of the assessed value to the appraised value.

Section 9. The Tax Assessor of any county coming under the provisions of this Act shall provide within budgetary limitations determined by the governing body of the county, all appraisers appointed by him a portable set of tax assessment records for the use of said appraisers in their work outside the confines of the courthouse of such county. The portable records required herein shall be kept in such manner as the Tax Assessor shall direct.

Section 10. The Board of Equalization shall have the sole authority to determine the ratio percentage used by the Tax Assessor in establishing assessed values from appraised values. The Board shall have the responsibility and authority for review of the records of assessments of the Tax Assessor to insure that such assessments have been made with equality and impartiality and that they have been determined in accordance with the ratio percentage determined by the Board. Immediately upon coming under the provisions of this Act, the Board of Equalization in such county shall certify to the Tax Assessor the ratio percentage to be used by him during the first four years that this Act is in effect in such county. Thereafter the Board shall establish and certify to the Tax Assessor at the beginning of each succeeding three year period the percentage ratio to be used during each such period. Once the percentage ratio has been established for any such appraisal period it shall not be changed during such period. Upon certification of the ratio percentage at the beginning of each three year appraisal period herein required, when such ratio will require a simultaneous reassessment of all properties by the Tax Assessor, the Board of Equalization shall cause publication to be made once each week for a period of three weeks in a newspaper of general circulation within the county, or shall post for a period of three weeks at some conspicuous place in the courthouse of such county should there be no newspaper of general circulation within such county, a notice of such percentage ratio and such publication shall constitute notice to all taxpayers of the changed assessments resulting therefrom which notice shall be in lieu of any other notice required by law to be given of changed assessments to such taxpayers. In all other instances where assessments are changed under the provisions of this Act, notice thereof shall be given the taxpayer as required in such counties by the Code of Alabama of 1940, as amended. Upon receipt of the certification of the percentage ratio for any three year period from the Board of Equalization the Tax Assessor shall forthwith reassess all property according to the new percentage ratio, if it is different from the last previous percentage ratio, entering such changed assessments on his records during the assessment period wherein the new percentage ratio is received and such assessments shall remain in effect until further modified by the Tax Assessor or the Board of Equalization as provided by this Act. In any instance in which the Board of Equalization shall determine that the Tax Assessor had not properly or correctly appraised and/or assessed any parcel of property it shall set aside such appraisal and/or assessment and enter upon the Tax Assessor's books and records, in red ink, such appraisal and/or assessment as the Board shall deem correct and proper. Such assessment entered by the Board of Equalization shall be and constitute the official assessment on such property and shall, until changed as herein provided, be the assessment upon which all Ad Valorem taxes due on such property shall be paid. In its review of the records and books of the Tax Assessor the Board of Equalization shall, in addition to all other duties placed on it by law, annually at its regular meetings, inspect the geographic listing of all assessments maintained by the Tax Assessor in accordance with the provisions of this Act. The Board of Equalization shall insure that for such successive three year period, after the first four years that this Act has been in effect in any county, the ratio of assessments to the

appraised value is the same for all parcel in the county. Should there be parcels whose ratio of assessment to appraised value is not the same as the standard set by the Board of Equalization, the Board shall immediately appraise such parcel or parcels, and based on such appraisal, make and declare assessments on such properties, which assessments so made and entered on the records of the Tax Assessor shall be and continue to be the official assessment of such properties. During the first four years that this Act is in effect in any county in the State, the Board of Equalization of such county shall examine in great detail, the records of assessments of such Tax Assessor to ascertain whether or not he is proceeding expeditiously to carry out the provisions of this Act and shall make public its findings. To accomplish the duties required of it in this section any such Board of Equalization shall appoint appraisers and other necessary personnel in accordance with the provisions of Section 95, Title 51, Code of Alabama, 1940, as amended, or may with the approval of the governing body of the county retain the services of competent, recognized, and qualified independent professional appraisers, or an association of professional appraisers, to make such appraisal or reviews, to properly check all or any appraisals made by the Tax Assessor which, in the judgement of the Board of Equalization, are either questionable, incorrect, or are not compatible with other appraisals in the same district. In the event that the appraisals of the Board of Equalization are different from the appraisal of the Tax Assessor of any such county the Board of Equalization shall direct its Secretary to correct, in red ink, the Tax Assessor's entry. After reviewing and/or correcting the Tax Assessor's geographic listing of assessments the chairman of the Board of Equalization shall enter the year and his initials on each page of the geographic listing of assessments.

Section 11. Nothing in this Act shall be construed or interpreted so as to allow, authorize, require, or direct the Tax Assessor or the Board of Equalization in any county in the State coming under the provisions of this Act to alter, adjust, or change the total assessments in such county in any manner which might impair any outstanding obligations of such county, any political subdivision thereof, any school district, or any governmental agency for the payment of which the proceeds of any tax, either in whole or in part, derived from, or affected by, the assessments of real property within such county have been pledged.

Section 12. Any appeals from the findings, assessments, or appraisals of the Tax Assessor of such counties shall be to the Board of Equalization of such counties except as provided in Section 5 of this Act. Where the Board of Equalization decides and rules that the Tax Assessor is in error, it shall direct its Secretary to change, in red ink, the entry or entries on the Tax Assessor's records to conform with the ruling of the Board of Equalization. Should any person, firm, corporation or association desire to appeal any ruling of the Board of Equalization such appeal shall be made under the provisions of Title 51, Section 110, Code of Alabama, 1940, as amended. Upon final determination of such appeal the Board of Equalization shall make appropriate entry in the Tax Assessor's records, in green ink, to show such final determination.

Section 13. The county governing body shall have the authority to determine what portion of the expense of the operation of the Tax Assessor's office is attributable to the equalization processes provided for under this Act, and shall be authorized to prorate these costs along with all costs of any litigation involving the Tax Assessor resulting from the execution of the provisions of this Act and the expense of the operation of the Board of Equalization, except salaries of such Board members, which shall be paid as required by Title 51, Section 95, of the Code of Alabama, as amended, between the City of Mobile, the County of Mobile, the Mobile County School Board and the State Department of Revenue. Provisions for payment on this basis shall be made in the budget for the State Depart-

ment of Revenue by specific appropriation. The County shall pay all such costs and shall issue quarterly statements, certified by the presiding officer of the County governing body, to each contributing governmental body or agency of its prorata share of such costs, which same each governmental body or agency shall pay to the county within 30 days following the date of each such statement.

Section 14. Whenever used in this Act the word "parcel" shall mean the land and all improvements and additions thereto.

Section 15. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 16. All laws or parts of laws in conflict herewith are repealed.

Section 17. This Act shall become effective immediately.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Tyson
Clark			

—24

Nays:

—0

And said Bill, SB 377, as thus amended by the substitute, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 854. To authorize the court of county commissioners, board of revenue, or like governing body of certain counties classified on a population basis to prescribe the times when county offices may be closed.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Mathews	Reynolds
Adams	Gilchrist	McCain	Roberts
Allen	Givhan	McDow	Robison (Montgomery)
Bentley	Hawkins	Metcalfe	Robison (Pickens)
Cooper	James	Montgomery	Shelton
Dumas	Lolley	Nichols	Tyson
Eddins	Lowe	Oden	Wilson

—24

Nays:

—0

The Bill:

H. 866. Relating to counties having populations of not less than 50,000 nor more than 54,000; to provide that the election precincts of the county as now established shall so remain until changed and the governing body of the county shall have exclusive power to establish, change, consolidate or alter election precincts in such county; to provide that the governing body of the county shall regulate and provide for the use of voting machines at all elections, special, general or primary held within the county, a political subdivision thereof or any municipality therein, and in so doing may, in the manner herein prescribed, divide any voting precinct of the county into districts, designate in each district a voting center at which the qualified electors of the district so designated may vote; to provide the time of changing boundary lines; to prescribe the number of voting machines to be maintained at each voting center; to provide for the use of paper ballots in voting centers where voting machines are not provided; to provide election officers for each voting center; to prescribe the duties of such election officers and fix their compensation; to prescribe the duties of the judge of probate in such elections; to provide for the manner of payment of such election officials; to prescribe the duties of the custodian of voting machines and the executive assistant or chief clerk of the sheriff in such elections.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalfe	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 499. To permit the governing body of Mobile County to estab-

lish a Board of Recreation for the supervision and management of recreational programs and facilities within the county, defining the duties and authority of such Board, and authorizing appropriations therefor and donations thereto.

was taken up.

Mr. Tyson offered the following amendment to the Bill, to-wit;

SENATE AMENDMENT TO H.B. 499

Section 5 thereof is hereby amended by adding thereto the following: "Further, said Board shall have no power to exercise the jurisdiction herein granted to it within the bounds of any area of Dauphin Island which may be within or under the jurisdiction or control of the Dauphin Island Park and Beach Board, without the consent of said Board.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	Metcalf	Shelton
Brannan	Hammond	Montgomery	Smith
Carter	Hawkins	Nichols	Taylor
Clark	Hornsby	Oden	Tyson
Cooper	James	Reynolds	Wilson
Dumas	Lolley	Robison (Pickens)	
Eddins	McDow		

—24

Nays:

—0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Smith
Bentley	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 625. To amend Act No. 893, H. 1270, approved September 8, 1961 (Acts of Alabama, 1961, p. 1406), entitled "An Act Relating to Mobile County: To Fix the compensation of the clerk of the Circuit Court of Mobile County".

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Taylor
Carter	Hornsby	Montgomery	Tyson
Clark			

—24

Nays:

—0

The Bill:

H. 805. Relating to Mobile County; authorizing the Board of School Commissioners to provide insurance against loss or damage by fire, lightning, windstorm, hail, or other peril, for any or all school buildings and property, equipment, furniture or supplies belonging to such buildings or stored therein which are used or held in trust for school purposes, either in an insurance company chosen by the Board or in the State Insurance Fund.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Hammond	McDow	Robison (Pickens)
Brannan	Hawkins	Metcalf	Shelton
Carter	Hornsby	Montgomery	Smith
Clark	James	Nichols	Taylor
Cooper	Lolley	Oden	Tyson
Dumas	McCain	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 806. To amend an Act of the General Assembly of Alabama approved February 15, 1876 and entitled "An Act to regulate public schools in the County of Mobile" as last amended by Act of the Legislature of Alabama approved September 19, 1947, by (1) amending that portion of Section 5 of the Act restricting the expenditure of money to purchase or lease property for school purposes necessary for the proper accommodation and comfort of pupils and teachers and for the compensation and bonds of the officers, agents and employees of the Board, to twenty per centum (20%) of the income of the said Board, exclusive of the amounts derived from the State Educational Fund by eliminating the exclusion from the income of the Board, the amounts derived from the State Educational fund; and by specifically exempting from the 20% limitation sums expended for constructing, furnishing and equipping of school buildings; (2) and by amending Section 5 of said Act by including specifically in the powers of the Board of School Commissioners of Mobile County, the power to invest, in obligations of the United States of America, whether interest-

bearing obligations or obligations purchased at discount, moneys in the hands of the Board accumulated from any source, whether from sale of warrants or otherwise, and held in advance of expenditure by the Board in the conduct and performance of its duties and functions.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Mathews	Roberts
Adams	Gilchrist	McCain	Robison (Montgomery)
Allen	Givhan	McDow	Robison (Pickens)
Bentley	James	Nichols	Taylor
Cooper	Lolley	Oden	Tyson
Dumas	Lowe	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 696. Relating to counties having populations of not less than 21,850 nor more than 21,950 according to the most recent federal decennial census; authorizing payment of salaries and expense allowances to members of the county board of education.

was taken up.

The Standing Committee on Local Legislation reported the following substitute for the Bill, to-wit:

Substitute for H. B. 696

A BILL TO BE ENTITLED AN ACT

Relating to counties having populations of not less than 21,850 nor more than 21,950 according to the most recent federal decennial census; regulating the compensation and expenses of members of the county board of education.

Be it enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 21,850 nor more than 21,950, according to the most recent federal decennial census, each member of the county board of education shall be entitled to \$20 a day for attendance at meetings of the board, and also mileage at ten cents per mile for each mile traveled going from his residence to and returning from the meetings of the board; but no member shall be paid for attending more than 30 meetings in any one year. The per diem pay and mileage for members shall only be paid upon certificate of the county superintendent of education that the member actually attended the board meeting.

Section 2. The per diem pay and mileage allowances of members of the county board of education, which shall be paid from the public school funds of the county, shall be in lieu of all other compensation or allowances heretofore prescribed or provided for by law.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

And said Bill, HB 696, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 336. Relating to counties having a population of not less than 60,000 nor more than 95,000 inhabitants, according to the last or any subsequent federal decennial census who elect to come under the provisions of this Act as hereinafter provided; providing a more convenient and efficient method for the registration, assessment for taxes, collection of ad valorem taxes, and sale and distribution of tags for motor vehicles, the issuance of motor vehicle drivers licenses and temporary instruction permits, and the transfer of ownership of motor vehicles; creating a motor vehicle license department in each county to which this Act is made to apply as herein provided and providing for the appointment, qualification, terms, compensation, powers, duties, and authority of the director and deputy director thereof; transferring to the motor vehicle license department, and the director thereof, all the powers, duties, responsibilities, liabilities,

and authority of the tax assessor, tax collector, and judge of probate relative to the registration, assessment for taxes, collection of ad valorem taxes, sale and distribution of tags for motor vehicles, the issuance of motor vehicle drivers licenses and temporary instruction permits, the transfer of ownership of motor vehicles, and the distribution of the fees, charges and commissions collected and received therefrom; providing an additional and alternative method for the registration, assessment for taxes, collection of ad valorem taxes, and sale and distribution of tags for motor vehicles; providing for clerical assistance, office space, equipment, supplies, and other conveniences necessary of the efficient operation and conduct of the motor vehicle license department; providing for the method by which a county to which this Act applies can elect to come within the provisions of said Act and the effective date thereof; providing the method by which a county may withdraw from the provisions of this Act and the effective date of withdrawal; and the abolishing of all laws and parts of laws in conflict with said Act.

was taken up.

Mr. Gilchrist offered the following substitute for the Bill, to-wit:

Substitute for H. B. 336

A BILL
TO BE ENTITLED
AN ACT

Relating to counties having populations of not less than 60,000 nor more than 95,000, according to the last or any subsequent federal decennial census who elect to come under the provisions of this Act as hereinafter provided; providing a more convenient and efficient method for the issuance of all licenses except marriage licenses; assessment for taxes, collection of ad valorem taxes, and sale and distribution of tags for motor vehicles, the issuance of temporary instruction permits, and the transfer of ownership of motor vehicles; creating a license department in each county to which this Act is made to apply as herein provided and providing for the appointment, qualification, terms, compensation, powers, duties, and authority of the director and deputy director; transferring to the license department, and the director thereof, all the powers, duties, responsibilities, liabilities and authority of the tax assessor, tax collector, and judge of probate relative to the issuance of all licenses, except marriage licenses, including the registration, assessment for taxes, collection of ad valorem taxes, sale and distribution of tags for motor vehicles, the issuance of motor vehicle drivers licenses and temporary instruction permits, the transfer of ownership of motor vehicles, and the distribution of the fees, charges and commissions collected and received therefrom; providing an additional and alternative method for the registration, assessment for taxes, collection of ad valorem taxes, and sale and distribution of tags for motor vehicles; providing for clerical assistance, office space, equipment, supplies, and other conveniences necessary for the efficient operation and conduct of the license department; providing for the method by which a county to which this Act applies can elect to come within the provisions of said Act and the effective date thereof; providing the method by which a county may withdraw from the provisions of this Act and the effective date of withdrawal; and repealing all laws and parts of laws in conflict with said Act.

Be It Enacted By The Legislature Of Alabama:

Section 1. This Act shall apply only in counties wherein the Judge of Probate is on a salary and in which the population is not less than 60,000 nor more than 95,000 according to the last or any subsequent federal

decennial census when said county elects to come under the provisions of this Act as hereinafter provided.

Section 2. There is hereby created a License Department in every county which elects to come under the provisions of this Act as hereinafter provided. Said License Department is hereinafter referred to in this Act as the Department.

Section 3. In those counties in which this Act applies and which elects to come under the provisions of the same as hereinafter provided, the Judge of Probate, the Tax Assessor and the Chairman of the County governing body, by majority vote, shall appoint a director of the department who shall hold office at the pleasure of the appointing body and any vacancy in the office of the Director of said Department, because of death, resignation or otherwise shall be filled by majority vote of the Judge of Probate, Tax Assessor and Chairman of the County Governing Body.

Section 4. The salary of the director of the Department shall be fixed by the board of revenue, the court of county commissioners, or other like governing body of the county, payable in equal monthly installments out of the general fund of the county. The director of the Department shall be a county officer, shall have an official seal of office, and shall maintain his permanent office in the courthouse of the county.

Section 5. Before entering upon the duties of his office, the director of the Department shall take the oath of office prescribed by the Constitution, and shall enter into bond conditioned as other official bonds are conditioned. Such bond shall be in such sum as may be prescribed by the governing body of the county. The bonds shall be approved by the county governing body and filed with and recorded by the Judge of Probate of the county and may be made by the surety company or surety companies authorized by their charters to execute official bonds, provided they are qualified to do business in this State, or such bond may be made with individual sureties or banks or other corporations qualified to do business in this State and authorized under their charters to make such bonds. All premiums on such bonds shall be paid out of the general fund of the county.

Section 6. Suitable office space in the courthouse of the county, and all stationery, equipment, supplies and postage necessary for the conduct of the office, shall be furnished by the governing body of the county to the director of the Department, except such stationery and supplies as the law required to be furnished by the State Department of Revenue, the State Department of Finance, or the State Comptroller.

Section 7. The director of the Department may appoint a deputy director of the Department, who shall perform such duties as the director may prescribe, and who, in the absence of the director, shall have the same powers and authority herein granted to the director of the Department. The director of the Department also may appoint a sufficient number of clerk and assistants properly to perform the duties of the office. Such deputy director, clerks, and assistants shall be appointed subject to the approval of the county governing body, and their compensation shall be fixed by the county governing body and paid out of the general fund of the county in the same manner as the salaries of other county employees are paid.

Section 8. It shall be the duty of the director of the Department to collect for and issue all licenses in the county, except marriage licenses, which are now or may hereafter be required by law to be issued, collected for and paid to the state of Alabama or the counties thereof, and with respect to motor vehicles to issue such licenses and permits as may now or hereafter be required by law for the exercise of any right or privilege in connection therewith.

Section 9. To prevent motor vehicles, as defined by Article 8 of Title 51 of the Code of Alabama 1940, as amended, from escaping taxation and to provide for the more efficient assessment and collection of taxes due on same, no license shall be issued to operate a motor vehicle on the public highways of this State, nor shall any transfer be made by the director of the Department as provided under this Act, until the ad valorem tax on such vehicle shall have been paid in the county for the preceding year, as evidenced by a receipt of the director of the Department where the owner of the vehicle resides, if the vehicle is owned by an individual; and if the vehicle is owned by a firm, corporation or association, then as evidenced by the receipt of the director of the Department in the county in which the motor vehicle is used or operated; provided, that this section shall not apply to motor vehicles owned by dealers, the State, counties, and municipalities. Every person, firm, or corporation who desires to operate a motor vehicle on the public highways of Alabama shall first return such motor vehicle for ad valorem taxation to the director of the Department of the county for the preceding tax year, and the director of the Department of the county shall deliver to such person who makes the return as herein required a certificate of assessment on a form prescribed by the State Department of Revenue, and such certificate shall be the warrant of the director of the Department to collect the tax as shown thereon. Motor vehicles, within the meaning of this Act, shall not be included in any assessment made by any person, firm, or corporation with the tax assessor, and such motor vehicle shall not be considered as escape property by reason of failure to include same in any tax return, but shall be assessed as herein provided. The director of the Department, upon issuing a license for the operation of motor vehicles as herein provided, shall make a duplicate of the tax receipt and keep same on file in his office. The license tag shall be evidence of the payment of the license and ad valorem tax due as provided under this Act. Valuation for ad valorem assessment shall be sixty per cent of the fair and reasonable value of such motor vehicles. Motor vehicles brought into this State after the first day of October, and before the director of the Department has completed his assessment, shall be subject to taxation the same as if it had been held or owned in the State on the first day of October. The director of the Department is authorized to issue a motor vehicle license where he ascertains and makes a record of the fact that there is no ad valorem tax due on said motor vehicle for the preceding year. The director of the Department, in addition to assessing and collecting the ad valorem taxes due the State and county on motor vehicles, shall collect the ad valorem taxes on motor vehicles due all cities and towns located in such county. The director of the Department shall report and pay over the money collected for cities and towns at the same time and in the same manner as state and county taxes are reported and paid over by him. The director of the Department shall receive a commission of two and one-half per cent for assessing and a commission of two and one-half per cent for collecting city and town ad valorem taxes and shall deduct these commissions from the amount collected before paying the same over to the city or town. All commissions collected hereunder by the director of the Department shall be paid into the general fund of the county and shall be the property of the county.

Section 10. On or after the first day of September each year, the director of the Department, if he elects to do so, may mail an application in the form and containing the information hereinafter provided to all owners of motor vehicles listed as such in the motor vehicle license records (including transfers) in his office or, at his option, to such owners as request that such application be mailed to them. The application shall be on a form to be provided by the State Department of Revenue. The application form shall contain a space for the name and address of the owner of the motor vehicle and the make, model, year, and motor number of his motor vehicle and such other information with respect thereto as the State Department of Revenue may prescribe. The application form shall also contain

a space for the correct amount of ad valorem taxes (state, county, school districts and municipal) and the amount of the motor vehicle license tax due thereon and the issuance fee, including the mailing fee provided for herein. The application form shall also contain a space for the owner to fill in his present address, if different from that shown in the application form, and a space for his signature. The director of the Department shall cause the application form to be filled in with the name and address of the owner; the description of the motor vehicle; the license tax and fees to become due on November 15 succeeding, as shown on the license registration and transfer records in his office; and the amount of ad valorem taxes on said motor vehicle for the preceding tax year as provided by Title 51, Section 704, Code of Alabama (1940) as amended. The director of the Department shall thereupon cause the application, so filled in, to be mailed to the owner of the motor vehicle at his address shown thereon, at the address to which such owner requests that the application form be mailed. The owner of the motor vehicle, if he is still the owner of the motor vehicle and if he desires to pay his motor vehicle ad valorem taxes and license tax and secure his motor vehicle registration tag by mail, shall sign the application form, indicating thereon any change of address, and return the same by mail together with his remittance for ad valorem taxes, license taxes, and fees as shown thereon to the director of the Department. Money orders and checks for the payment of such taxes and fees shall be made payable to the director of the License Department. Upon receipt of the signed application form and the remittance for the amount properly due for ad valorem taxes, license tax, and fees, the director of the Department shall thereupon mail a receipt for such taxes and fees and the license tag for his motor vehicle to the owner thereof. When an application is returned to the director of the Department, unsigned, or when less than the correct amount of the taxes and fees due therefor has been paid, due to a change of address or other causes, such application shall be returned to the owner for correction or for signature. A return of such application or remittance shall not, however, extend the time within which taxes may be paid or a tag secured. If more than the correct amount of taxes and fees is received, the director of the Department shall retain the correct amount of taxes and fees and return the excess together with the tag for the motor vehicle.

Section 11. All applications for motor vehicle tags by mail and the correct amount of taxes and fees shall be received by the director of the Department on or before November 10th preceding the November 15th on which the motor vehicle license tag is due and payable, and the director of the Department shall mail such tag on or before November 14th preceding such November 15th. The director of the Department shall charge and collect a fee of fifty cents (\$.50) for each motor vehicle license tag issued by mail, in addition to all other fees prescribed by law. Such additional fee shall be paid by the owner of the motor vehicle with his mailed request for license tags, and such fees collected by the director of the Department shall be paid into the general fund of the county. The actual expense of mailing application forms to the owners of motor vehicles and of mailing tags as hereinabove provided shall be paid from the general fund of the county upon proper warrant signed by the director of the Department and approved by the county governing body as provided by law. All the forms necessary in the administration of this Act shall be furnished by the State Department of Revenue.

Section 12. The procedure authorized by this Act for the payment of ad valorem taxes and motor vehicle license taxes and the issuance of license tags is optional, additional, and alternative to the procedure now provided by law. Each owner of a motor vehicle shall continue to have the right to pay taxes and to receive his tag in person without the payment of the additional fee hereinabove provided.

Section 12.(a). The purchaser of an automobile shall within 10 days after transfer of title to him, have the transfer of title made on the records contained in the office of the Judge of Probate; should the purchaser fail to do so he shall at the time his automobile is assessed for the preceding year pay to the Director of the License Department the sum of \$2.50 as a penalty; this penalty shall be remitted by the director to the county general fund.

Section 13. In those counties to which the Act is made to apply, as hereinafter provided, any and all duties now or which may hereafter be required by law of judges of probate with reference to the issuance of all licenses (except marriage licenses), the registration, sale and distribution of tags for motor vehicles, the issuance of motor vehicle drivers licenses and temporary instruction permits, and the transfer of the ownership of motor vehicles, shall be performed by the director of the Department, and the director of the Department shall be entitled to collect all fees, commissions, charges, penalties and allowances now or hereafter fixed by law for judges of probate to collect in connection with the performance of said duties, and the judges of probate of the counties in which this Act is made to apply, as hereinafter provided, are relieved from any and all duties, liabilities, and responsibilities in reference thereto. The fees, commissions, charges, penalties and allowances collected by the director of said Department in connection with the performance of the duties hereinabove enumerated shall be distributed as now, or as hereinafter, provided by law, either general or local. All records in the custody of the judge of probate of a county relating to the duties herein imposed on the director of the Department shall, upon the effective date of this Act in said county as hereinafter provided, be delivered to the director of the Department for said County.

Section 14. All duties required by law of the tax assessor and tax collector of any county to which this Act applies, with reference to the assessment and collection of ad valorem taxes on automobiles, trucks, or other motor vehicles, shall be performed and exercised by the director of the Department; and the tax assessor and the tax collector of the county are hereby relieved of all duties and responsibilities in reference thereto. The State Department of Revenue shall furnish the director of the Department all forms and blanks necessary for the assessment and collection of such taxes.

Section 15. The director of the Department shall collect for the assessment and collection of state and county ad valorem tax on motor vehicles the same fees, charges, penalties and commissions fixed by law to be paid to the Tax Assessors and Tax Collectors for the same services. The fees, charges, penalties and commissions collected by the director of the Department shall be paid into the general fund of the county.

Section 16. This Act shall become effective in a county to which it applies only upon a writing subscribed to by the judge of probate, the tax assessor, and the tax collector requesting to come under the provisions of this Act and upon the adoption of a resolution by a majority vote of the board of revenue, court of county commissioners, or other like governing body of the county, whereby the county elects to come under the provisions of said Act. The resolution, together with the proceedings had in connection with the passage thereof, shall be entered in the minute book of the county governing body and copies of said resolution, duly certified to by the chairman or presiding officer of the county governing body, shall be forthwith forwarded by the chairman or presiding officer of said county governing body to the State Department of Revenue, the State Department of Finance, the State Comptroller, and to the probate judge, tax assessor and tax collector of the county, and copy of said resolution shall

also forthwith be published in a newspaper published in said county once a week for four consecutive weeks. Should the county governing body of a county which has elected to come under the provisions of this Act, as herein provided, desire to withdraw from the provisions thereof, it may do so by resolution to this effect unanimously adopted by said county governing body. Said resolution shall be entered upon the minutes of the governing body of the county and copies thereof, duly certified to by the chairman or presiding officer of the county governing body, forthwith be forwarded to the State Department of Revenue, the State Department of Finance, the State Comptroller, and the judge of probate, tax collector and tax assessor of the county. Notice of the action of the county governing body in withdrawing from the provisions of this Act shall also be given forthwith by publication of said resolution in a newspaper published in said county once a week for four consecutive weeks. Provided, however, the action of the governing body to withdraw from the provisions of this Act shall be void unless the Tax Assessor, Tax Collector and the Judge of Probate have first received notice in writing from the county governing body more than six (6) months prior to the anticipated effective date of withdrawal.

Section 17. The provisions of this Act shall immediately apply and become effective in a county upon the adoption of the resolution by the board of revenue, court of county commissioners, or other like governing body of the county, whereby it elects to come within the provisions of this Act; provided, however, that said governing body may, if it deems it advisable for the purpose of properly establishing said Department and allowing the personnel to plan and become familiar with the work thereof, expend such funds as is necessary to set up said Department and pay the director and personnel during said period but to delay the actual date when said Department is officially put into operation within the County to perform the duties and exercise the powers herein provided. The provisions of this Act shall cease to apply to a county which has formally elected to come under the provisions thereof immediately upon the unanimous adoption of a resolution by the board of revenue, court of county commissioners, or other like governing body of the county, whereby it elects to withdraw from the provisions of this Act as herein provided. In the event a county elects to withdraw from the provisions of this Act, it shall be the duty of the governing body of the county and said governing body is hereby given the authority to furnish the office of tax assessor, tax collector and probate judge with the necessary extra clerk hire to properly perform the duties of their respective offices, and make allowance for the pay for the same out of the general fund of the county.

Section 18. It is the intent and purpose of this Act to provide a more convenient and efficient method of issuing licenses and to render a better service to the people of such counties, by incorporating in one county office the assessment and collection of all taxes on motor vehicles.

Section 19. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. All laws or parts of laws which conflict with this Act are repealed.

Section 21. This Act shall become effective on its passage and approval by the Governor or its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

Mr. Gilchrist then offered the following amendment to the Bill, HB 336, as amended by the substitute, to-wit:

Amendment to H. 336

In the caption strike out "and providing for the appointment, qualifications, terms, compensation, powers, duties, and authority of the director and deputy director;" and insert "and providing for a director and deputy director thereof;"

Also, strike out Sections 3 and 4 entirely and insert the following:

Section 3. A director of the department shall be elected at the next regular election of county officers in every county choosing to operate under this Act as hereinafter provided, and every four years thereafter. He shall hold office for a term of four years from the day after his election and until his successor is elected and qualified. Any vacancy occurring shall be filled for the unexpired term by appointment by the judge of probate, tax assessor, and chairman or president of the county governing body, or a majority of them, who shall constitute a board of appointment for such purpose.

Section 4. The director of the department shall be a county officer, shall have an official seal of office, and shall maintain his permanent office in the county courthouse. He shall be entitled to an annual salary of \$7,500, payable in equal monthly installments from the general funds of the county.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	McDow	Robison (Pickens)
Brannan	Hammond	Metcalfe	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

And said Bill, HB 336, as thus amended, was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	McDow	Robison (Montgomery)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 835. To amend further Act No. 70, H. 346, Regular Session 1943 (Local Acts 1943, p. 34), an act placing the judge of probate of Morgan County on a salary basis and providing for clerical assistance.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 907. To repeal Act No. 851, H. 1478, Regular Session 1961 (Acts 1961, p. 1277), which authorizes the court of county commissioners, board of revenue, or other like governing body of Lamar County to levy, when approved by a majority of the qualified voters of the county, special privilege license and excise taxes paralleling the state sales and use taxes, and provide for the collection and enforcement of such taxes by the state department of revenue.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

S. 384. Relating to Walker County; providing further for the operation, management and control of the county hospital and related or allied facilities, creating a board of managers for the hospital and authorizing the board to appoint a hospital administrator as its chief executive officer.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 389. To authorize, provide for and regulate the establishment and operation of a pension and retirement system for employees of the City of Sylacauga and certain incorporated and unincorporated municipal boards of such city; to authorize and provide for the establishment of the Sylacauga Employees Pension Trust Fund, provide for the composition, management and administration of such trust fund; and to authorize, provide for and regulate the payment of benefits under the system.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hornsby	Nichols	Shelton
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 880. Relating to counties having a population of not less than 76,000 nor more than 96,000: Providing for the reidentification of all reg-

istered voters; directing the Board of Registrars to purge the list of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Tyson
Clark			

—24

Nays:

—0

The Bill:

H. 881. To provide that clerks of county courts or other inferior courts in counties having a population of not less than 25,700 nor more than 25,900, according to the 1960 or any subsequent federal decennial census, may take affidavits and complaints, issue warrants of arrest in misdemeanor and felony cases, and issue search warrants.

was taken up by Mr. Oden at the request of Mr. Evans, and said Bill was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Eddins	McDow	Robison (Montgomery)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson

—24

Nays:

—0

The Bill:

H. 882. Relating to counties having a population of not less than 25,700 nor more than 25,900; regulating further the compensation and expense allowance of county superintendents of education.

was taken up by Mr. Oden at the request of Mr. Evans and said Bill was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Allen	Cooper	Eddins
Adams	Bentley	Dumas	Gilchrist

Givhan	Mathews	Oden	Smith
Hornsby	McCain	Reynolds	Taylor
James	Montgomery	Roberts	Tyson
Lolley	Nichols	Robison (Montgomery)	Wilson
Lowe			

—24

Nays:

—0

The Bill:

H. 883. To provide an allowance for clerk hire for the circuit court clerk of all counties having populations of not less than 25,700 nor more than 25,900.

was taken up by Mr. Oden at the request of Mr. Evans and said Bill was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	Mathews	Roberts
Adams	Givhan	McCain	Robison (Montgomery)
Allen	Hammond	McDow	Robison (Pickens)
Bentley	Hawkins	Metcalf	Shelton
Brannan	Hornsby	Montgomery	Smith
Carter	Lowe	Oden	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 904. To amend Title 14, Section 246, Code of Alabama 1940, so as to authorize domino games in billiard rooms in counties having a population of not less than 50,000 nor more than 54,000.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hornsby	Nichols	Shelton
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 942. Relating to St. Clair County; authorizing any bank situated within the county to open, establish, operate and maintain a branch bank, branch office, or other place of business at Ragland in said county.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 952. Relating to counties having populations of not less than 15,300 nor more than 15,400; levying a privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of cigarettes and cigars in such counties providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

was taken up by Mr. Oden at the request of Mr. Evans.

The Standing Committee on Local Legislation reported the following amendment to the Bill, to-wit:

Amendment to H. B. 952

Strike out Section 2 of the bill and insert in lieu thereof the following:

Section 2. In addition to all other taxes of every kind now imposed by law, every person, firm, or corporation who sells, stores, delivers, uses or otherwise consumes cigarettes in any such county shall pay a county privilege license or excise tax in an amount equal to one-half of one mill on each cigarette which is made of tobacco or any substitute therefor. However, when the tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes such payment shall be sufficient, the intent being that such county tax shall be paid but once.

Also, strike out Section 3 of the bill and insert in lieu thereof the following:

Section 3. Every person, firm, corporation, club, or association that sells or stores or receives for the purpose of distribution in such counties any cigarettes shall add the amount of the license or privilege tax levied and assessed herein to the price of the cigarettes, it being the purpose and intent of this provision that the tax levied is, in fact, a levy on the consumer with the person, firm, corporation, club or association, who sells or stores or receives for the purpose of distributing the cigarettes, acting merely as agent for the collection of the tax. The dealer, storer, or distributor shall state the amount of the tax separately from the price of the cigarettes on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the cigarettes. It shall be unlawful for any dealer, storer or distributor engaged in or continuing in the county in the business for which the tax is hereby levied to fail or refuse to add to the sales price and collect from the purchaser the

amount due on account of the tax herein provided or to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption of the tax or any portion thereof. Any person, firm, corporation, club or association violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars (\$100.00) or imprisoned in the county jail for not more than sixty days, or by both such fine and imprisonment. Each act in violation of this section shall constitute a separate offense.

Also, strike out Section 7 of the bill and insert in lieu thereof the following:

Section 7. The state department of revenue shall charge the county for collecting the special county taxes levied in this Act such an amount, not to exceed ten percent of the amount collected, as the commissioner of revenue and the governing body of the county may determine. Such charge for collecting the taxes for the county may be deducted each month from the proceeds of the taxes collected before certifying the amount thereof due the county for the month. The commissioner of revenue shall pay into the state treasury all county taxes collected under this Act, as such taxes are received by the department of revenue; and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this Act and paid by him into the state treasury for the benefit of the county during the month immediately preceding the making of such certificate. Provided, that before certifying the amount of taxes paid into the state treasury for the benefit of the county during each month, the commissioner may deduct from the taxes collected in such month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the custodian of the public funds of the county in and amount equal to the amount so certified by the commissioner of revenue as having been collected for the use of the county. The custodian of county funds shall deposit the revenue derived by the county from the taxes levied herein in a special fund, to be designated the forest fire protection fund, which is hereby appropriated for the following purposes only: For the employment of personnel to protect forest land in the county from fire; for the purpose of fire fighting equipment, material and supplies; and for such other purposes as may be considered necessary or advisable by the county governing body of such county to provide an efficient system of forest fire protection for such county.

Also, in Section 8, second sentence, strike out the words "and cigars"

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.
Brannan
Carter
Clark
Cooper
Dumas
Eddins

Hammond
Hawkins
Hornsby
James
Lolley
McCain

McDow
Metcalf
Montgomery
Nichols
Oden
Reynolds

Robison (Pickens)
Shelton
Smith
Taylor
Tyson
Wilson

Nays:

—0

And said Bill, HB 952, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 954. To authorize, direct, and require the State Department of Revenue to collect any sales and use taxes which may be levied in the Town of Addison, Alabama, in Winston County, Alabama, under the provisions of any ordinances or resolution duly promulgated and adopted by the governing body of the Town of Addison, Alabama to prescribe the power, duties, and authority of the State Department of Revenue with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 982. To provide for collection and enforcement by the state department of revenue of sales and use taxes levied or assessed by the town of Ragland, St. Clair County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Tyson
Clark			

—24

Nays:

—0

The Bill:

H. 756. To levy in Franklin County a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption in such county of cigarettes and cigars; to require that the tax hereby levied shall be collected by the seller or distributor, added to the sale price of the cigarettes and cigars, and passed on to the purchaser or consumer, and that the price and the tax shall be stated separately on any bill of sale or advertising of such cigarettes and cigars; to provide that the tax shall be in addition to all other taxes now levied by law; to require the affixing of stamps to evidence the payment of the tax, and to provide for obtaining the stamps in the same manner and according to the same rules and regulations that govern the purchasing and affixing of stamps for the payment of the state tobacco tax levied by Title 51, Chapter 20, Article 9, of the Code of Alabama, 1940; to provide for the collection and enforcement of the tax by the state department of revenue in the same manner that the state tobacco tax levied by the above mentioned Article 9 is enforced; to adopt by reference certain provisions of said Article 9, as amended, relative to payment of the tax, records and reports with respect to the tax, and the provisions thereof prescribing penalties for violations; to provide for the distribution and use of the revenue derived from the tax; to authorize the state department of revenue to make rules and regulations to effectuate the purposes of this Act; and to prescribe additional penalties.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Roberts
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 725. To provide for the appointment and compensation of additional deputies of the Sheriff of Colbert County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 755. To prescribe certain rules of procedure, pleading, and practice relating to the joinder of parties and the rendition of judgment in certain courts in Franklin County, Alabama.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Oden
Adams	Gilchrist	Mathews	Roberts
Allen	Givhan	McCain	Robison (Montgomery)
Bentley	Hammond	McDow	Robison (Pickens)
Brannan	Hawkins	Metcalf	Shelton
Carter	Hornsby	Montgomery	Smith
Clark			

—24

Nays:

—0

The Bill:

S. 395. To authorize circuit solicitors of circuits composed of only one county with a population under 500,000 and having two courthouses where circuit court is required by law to be held to employ a secretarial assistant; to prescribe the powers, duties and compensation of such secretarial assistant, and to provide for payment of such compensation from the general fund of the county composing such circuit.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Montgomery)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 396. To amend Act No. 472, H. 901, Regular Session 1947, an act regulating the sale of alcoholic beverages in Madison County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 391. To alter, rearrange and extend the boundaries and corporate limits of the town of Hammondville in DeKalb County so as to annex certain territory to the town.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

S. 398. To amend further Section 3 of Act No. 65, H. 81, approved November 4, 1950, an act creating a board of revenue for Jackson County (Acts 1950-51, v. 1, p. 126), in relation to the compensation and expense allowances of members of the board of revenue.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	Mathews	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 403. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 33 and 34, Township 16 North, Range 18 East and Sections 3 and 4, Township 15 North and Range 18 East, Montgomery County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hornsby	Nichols	Shelton
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 404. Relating to counties having populations of not less than 100,000 nor more than 115,000 according to the latest or any succeeding Federal census and providing for the creation of a committee in such counties to coordinate the efforts of the various forces in said counties to promote the economic, cultural and educational welfare of the citizens of such counties; naming the membership of such committees and providing for their functions and duties and the tenure of office of its membership; and to provide that the probate judge of such counties shall be ex officio chairman of such committees; and providing further for the financing of the expenses of such committees.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 603. Relating to cities having populations of not less than 50,000 nor more than 60,000 according to the most recent federal decennial census, providing an expense allowance for the mayor and city commissioners of such cities.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	McCain	Roberts
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 706. Proposing an amendment to the Constitution relative to the compensation, commissions, fees, percentages and allowances of certain officers of Baldwin County.

was taken up.

Mr. Brannan offered the following amendment to the Bill, to-wit:

Amendment to H. 706

In Section 1, in the proposed constitutional amendment, strike out the period at the end thereof and insert, "and may regulate and alter the term of any county officer."

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Allen	Brannan	Eddins
Adams	Bentley	Dumas	Evans

Gilchrist	Lowe	Oden	Robison (Pickens)
Givhan	Mathews	Reynolds	Shelton
Hammond	McCain	Roberts	Tyson
James	McDow	Robison (Montgomery)	Wilson
Lolley			

—24

Nays:

—0

And said Bill, HB 706, as thus amended, was then read a third time at length as required by the Constitution and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 707. To change the method of compensating certain officers of Baldwin County, placing such officers on a salary basis, and providing for the operation of their offices on such basis.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 708. Relating to Baldwin County, providing for the establishment of a consolidated and unified system for assessment and collection of taxes, licenses, excises and fees, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	McDow	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 741. Relating to Escambia County; providing a central purchasing system for the county and county officers and departments, and for a county purchasing agent.

was taken up.

Mr. Brannan offered the following amendment to the Bill, to-wit:

Amendment to H. B. 741

In Section 2, strike out "The purchasing agent shall obtain information from the division of purchases and stores of the state department of finance concerning the price to the State of the items to be purchased, and if the state price is less than the lowest bid received, and if the delivery date is reasonable, all bids shall be rejected and the purchase shall be negotiated through the state purchasing agent." and insert "The purchasing agent may obtain information from the division of purchases and stores of the state department of finance concerning the price to the State of the items to be purchased, and if the state price is less than the lowest bid received, and if the delivery date is reasonable, all bids may be rejected and the purchase may be negotiated through the state purchasing agent."

Also, in Section 2, 9th sentence, strike out the words "and obtaining information from the division of purchases and stores"

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Taylor
Brannan	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 742. To reorganize the governing body of Escambia County; abolishing the Board of Revenue and creating a Board of County Commissioners; repealing conflicting laws.

was taken up.

Mr. Brannan offered the following amendment to the Bill, to-wit:

Amendment to H. B. 742

In section 2, strike out the figures \$6,000.00 and insert \$3,600.00

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

And said Bill, HB 742, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 743. To create an inferior court for Escambia County to replace the court created by Act No. 665, H. 1019, Regular Session 1951, abolishing the existing court and providing for a transfer of pending cases.

was taken up.

Mr. Brannan offered the following amendment to the Bill, to-wit:

Amendment to H. B. 743

In Section 3 (a) strike out the figures 1966 and insert "1964"

Also, in Section 3 (c), strike out the figures \$5,400 and insert "\$4,800"

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

And said Bill, HB 743, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 744. To regulate further the compensation of jailers and deputies sheriff of Escambia County.

was taken up.

Mr. Brannan offered the following amendment to the Bill, to-wit:

Amendment to H. B. 744

Strike out Section 1 of the bill and insert in lieu thereof the following:

Section 1. The second deputy sheriff of Escambia County shall be entitled to a salary of \$375 a month, payable from the county treasury; and each male deputy of the sheriff who is employed as a jailer shall be entitled to a salary of \$350 a month, also payable by the county. This Act does not apply to nor affect the compensation of the chief deputy or any special deputy appointed to serve at a particular place within the county.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Eddins	Lowe	Reynolds
Adams	Evans	Mathews	Roberts
Allen	Gilchrist	McCain	Robison (Montgomery)
Bentley	Givhan	Montgomery	Robison (Pickens)
Brannan	James	Nichols	Tyson
Cooper	Lolley	Oden	Wilson
Dumas			

—24

Nays:

—0

And said Bill, HB 744, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Eddins	Lowe	Reynolds
Adams	Evans	Mathews	Roberts
Allen	Gilchrist	McCain	Robison (Montgomery)
Bentley	Givhan	Montgomery	Robison (Pickens)
Brannan	James	Nichols	Tyson
Cooper	Lolley	Oden	Wilson
Dumas			

—24

Nays:

—0

RESOLUTION

Mr. Carter offered the following Senate Resolution, to-wit:

S. R. 48. RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That the Honorable Chief Justice and Associate Justices of the Supreme Court of Alabama, or a majority of them, are respectfully requested to give this body their written opinions concerning the following important constitutional questions which have arisen in reference to the pending bill, H. B. 185, a true copy of which is attached hereto and incorporated herein by reference:

1. Does said bill violate Article 4, Section 45 of the Constitution of Alabama 1901?

2. Does the proviso incorporated in the bill, which would be presently applicable to Marshall County only, make the proposed law a local law within the meaning of Article 4, Section 110 of the Constitution?

3. Would the proposed law violate Article 4, Section 105 of the Constitution?

RESOLVED FURTHER, That the Secretary of the Senate is directed to send forthwith to the Clerk of the Supreme Court of Alabama four true copies of this resolution.

On motion of Mr. Carter, the rules were suspended and the Resolution adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 864. To provide for and require the use of voting machines for registering, recording, and computing the votes at all elections hereafter held in Escambia County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 865. To amend Act No. 119, H. 393, Regular Session 1959 (Acts 1959, v. 1, p. 641), in relation to the qualifications of the superintendent of education of Escambia County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	McDow	Robison (Montgomery)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Nettles, McCorquodale, Pierce, Salter and Thomas:

H. 700. To provide for actual expenses of travel to be paid the Chief Examiner and the Assistant Chief Examiner of the State Department of Examiners of Public Accounts.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H.B. 700 - to the Committee on Finance and Taxation

BILLS ON THIRD READING RESUMED

The Bill:

H. 873. Relating to counties having populations of not less than 57,000 nor more than 61,000; providing for payment of special supplementary allowances for probation officers of the juvenile courts of such counties.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hawkins	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 908. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Florence in Lauderdale County so as to annex certain territory to the city.

was taken up by Mr. Bentley at the request of Mr. Horton and said Bill was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 915. To amend Section 2 of Act No. 204, H. 544, Regular Session 1959, an act fixing and providing for payment of the compensation of clerks and assistants of certain officers of Limestone County.

was taken up by Mr. Bentley at the request of Mr. Horton and said Bill was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Pickens)
Bentley	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 916. To amend Section 3 of Act No. 204, H. 544, Regular Session 1959, an act fixing and providing for payment of the compensation of clerks and assistants of certain officers of Limestone County.

was taken up by Mr. Bentley at the request of Mr. Horton and said Bill was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Smith
Bentley	Hawkins	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 919. Relating to counties having populations of not less than 110,000 nor more than 160,000; providing for appointment and compensation of a secretary for the circuit court judges.

was taken up by Mr. Bentley at the request of Mr. Horton and said Bill was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 920. To provide for official court reporters in all circuit courts in all counties in the State of Alabama having a population of not less than 100,000 nor more than 150,000 inhabitants according to the last preceding or any subsequent federal decennial census; to fix the duties and status and authority of such court reporters; and to provide for the appointment of such court reporters by each circuit judge in such counties and to provide for the compensation and salary of such court reporters.

was taken up by Mr. Bentley at the request of Mr. Roberts and said Bill was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	McCain	Reynolds
Bentley	Hammond	McDow	Shelton
Carter	Hawkins	Metcalf	Smith
Clark	Hornsby	Montgomery	Taylor
Cooper	James	Nichols	Tyson
Dumas	Lolley	Oden	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 940. To amend further Section 3 of Act No. 361, H. 878, Regular Session 1939 (Local Acts 1939, p. 248), an act fixing the compensation or salary to be paid the tax assessor of Morgan County and providing clerical assistance for his office.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 941. To amend further Section 3 of Act No. 464, H. 879, Regular Session 1939 (Local Acts 1939, p. 278), an act fixing the compensation or salary to be paid the tax collector of Morgan County and providing him clerical assistance.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 977. To alter and rearrange the boundaries of the City of Decatur in Morgan County, so as to exclude certain territory from the corporate limits of the city.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	McDow	Robison (Pickens)
Brannan	Hawkins	Metcalf	Shelton
Carter	Hornsby	Montgomery	Smith
Clark	James	Nichols	Taylor
Cooper	Lolley	Oden	Tyson
Dumas	Lowe	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 979. To amend Section 7, as heretofore amended, of an Act entitled "An Act to create the Municipal Utilities Board of Decatur; to provide for its membership; to appoint the members to compose the original Board; to provide the qualifications of members of the Board; to provide the oath of office of members of the Board; to provide the term of office and method of election of members of the Board; to provide the method of impeaching and removing from office members of the Board; to provide the method of filling vacancies in the Board; to provide for the compensation of the members of the Board; to provide for the organization of the Board; to provide for the meetings of the Board; to provide for copies of the records of the Board to be certified by the Secretary to be competent evidence in all courts; to provide the authority and duties of the said Board; to provide for the management and control of the Municipal Electric Distribution System of the City of Decatur by said Board; to provide for the employment by the Board of a manager, clerks, stenographers, attorneys, linemen, repairmen, and any other employees found necessary to be employed by said Board; to provide for official bonds of officers and employees of the Board handling money; to provide for the collection, deposit and distribution of funds received from the operation of said Electric Distribution System; to provide for bond of depository of funds of the Board; to provide method of withdrawal of funds of the Board and signing of warrants for the payment of claims; to provide that in any expenditure for any new construction, additions, or replacements to the electric plant, where the amount to be expended is more than \$1,000, the expenditure must be approved by the City Council of the City of Decatur; to provide for an annual audit and a semi-annual publication of the financial condition of the system; to provide that said Board shall have the control, management, and operation of any water, gas or other utilities if same should be in the future acquired by the City of Decatur; to provide for the management and operation of such other utilities, and to provide for reports of the Board to the City Council," adopted by the Legislature of 1939, and approved on March 3rd, 1939.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 934. Relating to counties having populations of not less than 22,350 nor more than 24,350; providing expense allowances for members of the governing bodies of such counties.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McCain	Reynolds
Brannan	Hammond	McDow	Shelton
Carter	Hawkins	Metcalf	Smith
Clark	Hornsby	Montgomery	Taylor
Cooper	James	Nichols	Tyson
Dumas	Lolley	Oden	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 935. Relating to counties having populations of not less than 22,350 nor more than 24,350; providing additional expense allowances for members of the board of education of such counties.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 987. Prescribing sheriffs' allowances for transporting juvenile delinquents to places of confinement.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 714. To fix the compensation of the members of the county board of education of Chambers County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	Lowe	Reynolds
Brannan	Hammond	McDow	Shelton
Carter	Hawkins	Metcalf	Smith
Clark	Hornsby	Montgomery	Taylor
Cooper	James	Nichols	Tyson
Dumas	Lolley	Oden	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 713. Relating to Chambers County; providing for the relief of Tommie Lee Culbertson and appropriating county funds for such purpose.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hornsby	Nichols	Smith
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 967. For the relief of Brenton Clay (B.C.) Clark; provided that the City of Birmingham and the officers thereof be authorized and directed to pay Three Hundred Fifty Dollars (\$350.00) damages sustained in an automobile accident on December 13, 1962, with a vehicle owned by the City of Birmingham and operated by an employee thereof.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Allen	Brannan	Clark
Adams	Bentley	Carter	Dumas

Evans	Hornsby	McDow	Robison (Montgomery)
Gilchrist	Lowe	Metcalf	Robison (Pickens)
Givhan	Mathews	Montgomery	Shelton
Hammond	McCain	Roberts	Smith
Hawkins			

—24

Nays:

—0

The Bill:

H. 868. To provide in all counties having a population in excess of 600,000 according to the last or any subsequent Federal decennial census, that all officers, authorities, agencies, boards, bureaus or other like entities which receive appropriations from the state, county or municipal governments shall have an annual audit.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 627. Relating to the powers of cities having populations of not less than 200,000 and not more than 300,000 according to the last or any subsequent federal decennial census; authorizing the governing bodies of such cities to adopt ordinances which protect the historic architectural character of the city, including designating historic districts, creating certain agencies to promote the preservation of such districts, which are located or are to be located in the designated historic districts, and adopting other provisions necessary to effect the purposes of this Act.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Reynolds
Adams	Gilchrist	Mathews	Roberts
Allen	Givhan	McCain	Robison (Montgomery)
Bentley	Hammond	McDow	Robison (Pickens)
Cooper	James	Nichols	Tyson
Dumas	Lolley	Oden	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 814. To amend further Act No. 678, H. 1364, Regular Session 1961 (Acts 1961, p. 940), an Act regulating the practice of barbering in counties having populations of not less than 300,000 nor more than 500,000.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 889. To provide for the selection of office assistance for the county Superintendent of Education for Coosa County, Alabama, and to fix the compensation of such help.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 888. Relating to Coosa County; providing additional compensation for certain election officers.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Allen	Brannan	Clark
Adams	Bentley	Carter	Evans

Gilchrist	Lowe	Metcalf	Robison (Pickens)
Givhan	Mathews	Montgomery	Shelton
Hammond	McCain	Roberts	Smith
Hawkins	McDow	Robison (Montgomery)	Taylor
Hornsby			

—24

Nays:

—0

The Bill:

H. 887. To fix and provide for the payment of the ex officio fees of the clerks of the circuit courts of all counties in this state having populations of not more than 11,800, according to the last or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Hammond	McDow	Roberts
Brannan	Hawkins	Metcalf	Shelton
Carter	Hornsby	Montgomery	Smith
Clark	James	Nichols	Taylor
Cooper	Lolley	Oden	Tyson
Dumas	Mathews	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 886. Relating to counties having populations of less than 10,800; prescribing the compensation of the county superintendent of education.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 884. Relating to counties having populations of not less than 10,800 nor more than 11,800; prohibiting payroll deduction of dues of teachers

and school employees in professional organizations; prescribing punishment for violations.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Tyson
Clark			

—24

Nays:

—0

The Bill:

H. 862. Relating to elections in counties having populations of not less than 10,800 nor more than 12,000, authorizing and providing for a recount of the vote in certain ballot boxes on order of the circuit judge of such counties.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	Mathews	Reynolds
Brannan	Hammond	McDow	Shelton
Carter	Hawkins	Metcalf	Smith
Clark	Hornsby	Montgomery	Taylor
Cooper	James	Nichols	Tyson
Dumas	Lolley	Oden	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 721. Relating to counties having populations of not less than 11,000 nor more than 13,000 inhabitants; to fix the expense allowance of the county superintendent of education of such counties.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Cooper	Gilchrist	Lolley
Adams	Dumas	Givhan	Lowe
Allen	Eddins	Hawkins	Mathews
Bentley	Evans	James	McCain

Montgomery
Nichols
Oden

Reynolds
Roberts

Robison (Montgomery) Tyson
Robison (Pickens) Wilson

—24

Nays:

—0

The Bill:

H. 729. To provide for the compensation of jurors in counties having populations of not more than 10,900 according to the last or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.
Adams
Allen
Bentley
Brannan
Carter
Clark

Evans
Gilchrist
Givhan
Hammond
Hawkins
Hornsby

Lowe
Mathews
McCain
McDow
Metcalf
Montgomery

Roberts
Robison (Montgomery)
Robison (Pickens)
Shelton
Smith
Taylor

—24

Nays:

—0

The Bill:

H. 943. To apply in St. Clair County; regulating further the taking of fish from the Coosa River; authorizing the taking of catfish by the use of baskets, including wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken.

Was taken up.

Mr. Bentley offered the following amendment to the Bill, to-wit:

Amendment to H.B. 943

H. B. 943 is hereby amended by striking the words "one and one-half inch" where same appear in Section 1 of said Act and in lieu thereof inserting the words as follows: "one inch".

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.
Bentley
Carter
Clark
Cooper
Dumas
Eddins

Givhan
Hammond
Hawkins
Hornsby
James
Lolley

McDow
Metcalf
Montgomery
Nichols
Oden
Reynolds

Robison (Pickens)
Shelton
Smith
Taylor
Tyson
Wilson

—24

Nays:

—0

And said Bill, HB 943, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Pickens)
Bentley	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 410. Relating to Madison County; amending Act No. 661, H. 1077, Regular Session 1957, the act creating Madison County Court (Acts 1957, V. 2, p. 1003), in relation to the jurisdiction of the court, the compensation of the judge, and the amount of trial fees imposed in civil cases.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hawkins	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 411. Relating to the twenty-third judicial circuit; providing for appointment of an additional clerk by the circuit solicitor.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0

Yeas:

Messrs.	Allen	Brannan	Clark
Adams	Bentley	Carter	Evans

Gilchrist
Givhan
Hammond
Hawkins
Hornsby

Lowe
Mathews
McCain
McDow

Metcalf
Montgomery
Roberts
Robison (Montgomery)

Robison (Pickens)
Shelton
Smith
Taylor

—24

Nays:

—0

The Bill:

S. 412. To authorize and provide for the establishment, maintenance, equipping, operation, and financing of a public law library in Madison County; and to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within the county.

was taken up.

Mr. Roberts offered the following substitute for the Bill, to-wit:

SUBSTITUTE FOR S. B. 412

A BILL TO BE ENTITLED AN ACT

To authorize and provide for the establishment, maintenance, equipping, operation, and financing of a public law library in Madison County; and to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within the county.

Be It Enacted By The Legislature Of Alabama:

Section 1. In each civil or quasi-civil action at law, suit in equity, criminal case, quasi-criminal case, proceeding on a forfeited bail bond, or proceeding on a forfeited bond given in connection with an appeal from a judgment of conviction in any inferior or municipal court to the circuit court, hereafter filed in, arising in, or brought by appeal, certiorari, or otherwise to the circuit court of Madison County, there shall be taxed as costs the sum of One Dollar (\$1.00). In each criminal case hereafter filed in any statutory inferior court in Madison County, there shall be taxed as costs the sum of Fifty Cents (50c). In each civil case hereafter filed in any statutory inferior court in Madison County, there shall be taxed as costs the sum of Thirty-five Cents (35c). The costs taxed under this Act shall be collected as other costs in such cases are collected, and when collected by the clerks or other collecting officers of such courts (including the register of the circuit court) shall be by them paid over to the treasurer or depository of Madison County for deposit in the county treasury. The sums so paid over to the county treasurer or depository shall be maintained in a separate fund in the county treasury, designated as the Madison County law library fund, and shall be expended by the presiding judge of the circuit court of Madison County for establishing, maintaining, equipping, and operating a law library in the courthouse at Huntsville, such funds to be expended, in the discretion of the presiding judge, to provide furniture, fixtures, supplies and equipment for the library, and to keep the same in a good state of maintenance and repair; to establish, enlarge, expand, and improve the library and its facilities and equipment; to provide books, reports and periodicals for the library, and to pay the compensation of a librarian and such other personnel as may be necessary and proper, in the opinion of the presiding

judge, to operate the library. The presiding judge of the circuit court shall draw warrants on the county treasury in making expenditures for the purposes contemplated in this Act, and shall indicate on the warrants the fund against which the warrants are drawn. The said items of cost above referred to shall be designated as law library fee. On or before the tenth day of each month, the clerks or other collecting officers of the respective courts (including the register of the circuit court) shall pay over to the county treasurer or depository all amounts collected as law library fees previously to the first day of the month. The management of the law library is vested in the presiding judge of the circuit court of Madison County, and all books, periodicals, reports and personal property purchased with the funds produced by this Act shall be the property of Madison County, Alabama; provided, however, that said presiding judge may from time to time sell or exchange such books, reports, periodicals, and personal property as may be necessary to keep said library up to date and apply the proceeds of the sale thereof or the value thereof upon the purchase of other books, reports, periodicals, and personal property for use in said library. The presiding judge may accept any gift or loan of any books, reports, periodicals, and other property for public use in said library upon such terms and conditions as may be stipulated by the donor or lender thereof and as may be agreeable to the said judge.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective on the first day of November, 1963.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	McDow	Roberts
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

And said Bill, SB 412, as thus amended by the Substitute, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Cooper	Hammond	Lolley
Brannan	Dumas	Hawkins	McDow
Carter	Eddins	Hornsby	Metcalf
Clark	Evans	James	Montgomery

Nichols
Oden
Reynolds

Roberts
Shelton

Smith
Taylor

Tyson
Wilson

—24

Nays:

—0

The Bill:

S. 413. To amend Act No. 401, H. 888, Regular Session 1949, an act authorizing the board of registrars of Madison County to employ a full time clerk (Acts of Alabama, Regular Session 1949, p. 573).

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.
Adams
Allen
Bentley
Cooper
Dumas
Eddins

Evans
Gilchrist
Givhan
Hornsby
James
Lolley

Lowe
Mathews
McCain
Nichols
Oden
Reynolds

Roberts
Robison (Montgomery)
Robison (Pickens)
Taylor
Tyson
Wilson

—24

Nays:

—0

The Bill:

S. 414. To amend further Act No. 476, H. 627, Regular Session 1955, an act creating the office of deputy circuit solicitor in the twenty-third judicial circuit, in relation to the compensation of the deputy solicitors payable by the county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.
Adams
Allen
Bentley
Brannan
Carter
Clark

Evans
Gilchrist
Givhan
Hammond
Hawkins
Hornsby

Lowe
Mathews
McCain
McDow
Metcalf
Montgomery

Roberts
Robison (Montgomery)
Robison (Pickens)
Shelton
Smith
Taylor

—24

Nays:

—0

The Bill:

S. 415. To amend Section 1 of Act No. 501, S. 399, Regular Session 1957, an act relating to Madison County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McCain	Reynolds
Brannan	Hammond	McDow	Roberts
Carter	Hawkins	Metcalf	Smith
Clark	Hornsby	Montgomery	Taylor
Cooper	James	Nichols	Tyson
Dumas	Lolley	Oden	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 416. Relating to counties having populations of not less than 110,000 nor more than 160,000; creating an educational survey committee to study, evaluate and make recommendations to the boards of education of such counties for improvements in the public school systems of the county; and making appropriations.

was taken up.

Mr. Roberts offered the following amendment to the Bill, to-wit:

AMENDMENT TO S.B. 416

To amend Senate Bill 416 by amending Section 3 to include the words "and set the salary of" between the words "appoint" and "an" as they appear in the first line of said section.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

And said Bill, SB 416, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalfe	Smith
Carter	Hornsby	Reynolds	Taylor
Clark			

—24

Nays:

—0

The Bill:

S. 417. To amend Section 7 of Act No. 13, H. 5, First Special Session 1955 (Acts 1955, p. 37), an act relating to the reorganization of the government of Cullman County, so as to provide for the employment of a highway superintendent II in the county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.*Yeas:*

Messrs.	Evans	Lowe	Reynolds
Adams	Gilchrist	Mathews	Roberts
Allen	Hawkins	Metcalfe	Robison (Montgomery)
Clark	Hornsby	Montgomery	Taylor
Cooper	James	Nichols	Tyson
Dumas	Lolley	Oden	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 419. To provide for the appointment of custodians for the state highway shops and garages located in counties having populations of not less than 14,400 nor more than 14,900, according to the 1960 or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.*Yeas:*

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:**S. 425. To provide for branch banking in Russell County.**

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

S. 430. Relating to counties having populations of not less than 57,000 nor more than 61,000; providing an additional and alternative method for the service of process in civil actions in justice of the peace courts.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	McDow	Robison (Pickens)
Brannan	Hawkins	Metcalf	Shelton
Carter	Hornsby	Montgomery	Smith
Clark	James	Nichols	Taylor
Cooper	Lolley	Oden	Tyson
Dumas	Lowe	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 433. To amend the title, as last amended, and to amend Section 1, as last amended, Section 7, as last amended, Section 9, as last amended, and Section 10, as last amended, and to repeal Section 11, all of Act No. 529, General Laws of Alabama, approved September 2, 1949 (Acts of Alabama, 1949, p. 827 et seq.) entitled, "An Act to apply in all counties of this State having a population of not less than 140,000 according to the last or any subsequent Federal census and to provide for the protection of public health and safety in such counties by requiring persons to establish their competency as plumbers before doing or supervising plumbing in said coun-

ties in this State; to create a board to be known as the Plumbers Examining Board; to define plumbing, master plumbers, journeymen plumbers and subjects related to plumbing; to provide for the appointment of the members of said Plumbers Examining Board and their term of office; to provide for the payment of compensation to the members of said Board and the employees thereof, and to provide for the payment of expenses incurred by the members of said Board and its employees; to define the powers conferred upon the duties imposed upon said Board; to provide funds for the maintenance, operations and functions of said Board; to provide for the examination and certification of master plumbers and journeymen plumbers; to provide for the payment of examination fees and certificate fees; to empower the said Board to revoke certificates; to provide for appeals from the ruling of the Board; to provide for the execution and filing of bonds by plumbers; to provide penalties for the violation of this Act," as heretofore amended.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Dumas			

—24

Nays:

—0

The Bill:

S. 434. Relating to DeKalb County; providing that no employee or officer of the county board of education shall be a candidate in any primary election for any office without taking a leave of absence without pay.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 435. Relating to Mobile County and providing for the levy and collection by the governing body of Mobile County of a privilege or license

tax upon every person, firm, or corporation selling, delivering, or withdrawing from storage or keeping in storage for sale or delivery in Mobile County, any gasoline, naptha, and other liquid motor fuels, or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil," "fuel oil," or "crude oil" commonly used for lighting, heating, or industrial purposes; providing that the amount of any municipal excise tax levied on such motor fuels and paid to any municipality in Mobile County shall be a credit toward the payment of the tax levied by this Act; providing for the enforcement and collection of the tax; providing for the distribution of the proceeds thereof to the Mobile County Hospital Board to be used for public hospital purposes; providing for the application of a portion of said proceeds to repayment of any advances made by the City of Mobile for construction of or improvement to public hospital facilities owned or operated by the Mobile County Hospital Board; and providing for the repeal of Act No. 369, H. 952, Regular Session 1955 (Acts, 1955, p. 892), relating to the levy of a privilege or license tax upon liquid motor fuels in Mobile County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hornsby	Nichols	Shelton
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 436. Relating to judicial circuits composed of one county having a population of not less than 96,000 nor more than 108,000; providing a supplemental salary for the judges of such circuits subject to certain contingencies.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Nichols
Adams	Gilchrist	Mathews	Roberts
Allen	Givhan	McCain	Robison (Montgomery)
Bentley	Hammond	McDow	Robison (Pickens)
Brannan	Hawkins	Metcalf	Shelton
Carter	Hornsby	Montgomery	Smith
Clark			

—24

Nays:

—0

The Bill:

S. 423. Relating to Walker County; abolishing the Law and Equity Court of Walker County and establishing in lieu thereof The Intermediate Court of Walker County; defining the court's jurisdiction and powers; providing for its officers, and their powers, duties and compensation; providing for the holding of the terms and sessions of the court; providing for the rules and procedure of the court; and providing for the transfer of all cases pending in the Law and Equity Court of Walker County to the Intermediate Court of Walker County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Gilchrist	McDow	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 438. Relating to the purchase of supplies, materials, equipment, and contractual services, and the sale or exchange of property, by or for Blount County; providing for competitive bidding on certain contracts, purchases, sales, and exchanges; prescribing penalties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Smith
Bentley	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 439. Relating to counties having populations of not less than 38,000 nor more than 45,000; providing for the compensation of members of the jury commissions in such counties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

S. 441. To prescribe the qualifications for the county superintendents of education of counties having populations of not less than 17,500 nor more than 17,800, and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 443. Relating to counties having populations of not less than 42,000 nor more than 46,000; providing sick leaves of absence with pay for all regularly employed school bus drivers of such counties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Dumas	Hornsby	McCain
Adams	Eddins	James	Montgomery
Allen	Evans	Lolley	Nichols
Bentley	Gilchrist	Lowe	Oden
Cooper	Givhan	Mathews	Reynolds

Roberts	Taylor	Tyson	Wilson	
Robison (Montgomery)				—24

Nays:

—0

The Bill:

S. 440. To amend Act No. 98 of the 1963 Second Special Session of the Legislature of the State of Alabama as approved by the Governor on May 8, 1963, and to amend and correct the description therein contained.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts	
Adams	Gilchrist	Mathews	Robison (Montgomery)	
Allen	Givhan	McCain	Robison (Pickens)	
Bentley	Hammond	McDow	Shelton	
Brannan	Hawkins	Metcalf	Smith	
Carter	Hornsby	Montgomery	Taylor	
Clark				—24

Nays:

—0

The Bill:

S. 353. Relating to the office of Solicitor of the Fifth Judicial Circuit; creating a solicitor's fund for the use of the Circuit Solicitor.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	Lowe	Reynolds	
Brannan	Hammond	McDow	Shelton	
Carter	Hawkins	Metcalf	Smith	
Clark	Hornsby	Montgomery	Taylor	
Cooper	James	Nichols	Tyson	
Dumas	Lolley	Oden	Wilson	
Eddins				—24

Nays:

—0

The Bill:

S. 220. To authorize and make provision for the incorporation of Water Authorities as public corporations for the object of providing water or water systems or fire protection services or fire protection facilities or any part or combination thereof and in one or more counties; to pro-

vide that in order for any such Authority to be organized, application must be made to, and approval must be given by, the governing body of a city or town within the State of Alabama; to provide for amendments to the certificate of incorporation of each such Authority; to provide for the selection of the directors and officers of each such Authority; to specify the powers of each such Authority, including the power to acquire (by eminent domain or otherwise), improve, maintain, develop, operate, finance and protect plants, systems, equipment, buildings, facilities and other property, real or personal, useful, suitable or convenient for furnishing water, water systems, fire protection services, or fire protection facilities or any part or combination thereof; to provide that the board of directors of each Authority may fix and revise rates, fees and charges for water, water systems, fire protection services, fire protection facilities, or any part or combination thereof furnished by the Authority; to provide for the use of state and county roads by any such Authority; to provide that each such Authority shall be exempt from state and municipal regulation and supervision; to provide that each such Authority shall be exempt from laws relating to the advertising and award by the state and its departments of construction contracts and purchase contracts; to provide that any county, city, town or other political subdivision, public corporation, agency or instrumentality of this state may purchase or contract to purchase water or fire protection services and may purchase or lease water systems or fire protection facilities or any part or combination thereof, and may aid and cooperate with any such Authority in the planning, undertaking, acquisition, construction and operation of water systems and fire protection facilities and may lend, give, donate, sell, convey or transfer to any such Authority money, property (including existing water systems and fire protection facilities), or any right capable of transfer; to provide that no action or suit shall be brought or maintained against any such Authority or any director thereof for or on account of the negligence of such Authority or such director or of its or his agents, servants, or employees in or about the construction, maintenance, operation, superintendence or management of a fire protection facility; to provide that officers, employees and agents of the authority shall, while engaged in furnishing fire protection services, enjoy the same immunities and exemptions as municipal firemen; to authorize the issuance by each such Authority of interest bearing revenue bonds or revenue notes payable solely out of the revenues of the Authority issuing such bonds; to specify provisions of such bonds or notes issued by any such Authority and to provide that such bonds and notes shall be deemed negotiable instruments; to provide that such bonds or notes may be secured by pledge of any of the revenues of the Authority issuing them, whether the Authority's right to such revenues then exists or may thereafter come into existence and by non-foreclosable mortgage on any property of any such Authority whether then in existence or thereafter acquired; to provide that such pledge may be provided for in an indenture between the Authority issuing such bonds or notes and a trustee or by resolution providing for the issuance of the bonds or notes; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which the principal office of the Authority is located and in any other county in which there is located any property of the Authority, the revenues from which are so pledged; to provide that any such Authority may include, in any indenture or resolution authorizing the issuance of such bonds or notes, provisions, not inconsistent with this Act, customarily contained in instruments securing evidence of indebtedness; to provide that bonds and notes issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, city, town or political sub-division of the state; to specify the uses to which the proceeds of revenue bonds and revenue notes issued by any such Authority may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds and notes issued by any such

Authority and the income therefrom and activities, property and income of any Authority; to authorize the investment of any idle funds of any county, city or town within this state in bonds and notes issued by any such Authority; to provide that bonds and notes issued by any such Authority shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds or notes by any such Authority and specify the time after such publication within which actions and defenses may be asserted respecting such bonds or notes, or pledge or indenture securing same, or the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 26; Nays 2.

Yeas:

Messrs.	Dumas	Lolley	Roberts
Adams	Evans	McDow	Robison (Montgomery)
Allen	Gilchrist	Metcalf	Shelton
Bentley	Givhan	Montgomery	Smith
Carter	Hammond	Nichols	Taylor
Clark	Hornsby	Oden	Tyson
Cooper	James	Reynolds	

—26

Nays:

Messrs.	Eddins	McCain
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—2

The Bill:

H. 284. To propose an amendment to the Constitution of Alabama authorizing the Legislature to provide for promotion of production, distribution, marketing, use, improvement and sale of poultry and poultry products.

was taken up by Mr. Bentley at the request of Mr. Horton and said Bill was read a third time at length as required by the Constitution and passed.

Yeas 32; Nays 0.

Yeas:

Messrs.	Eddins	Lowe	Reynolds
Adams	Evans	Mathews	Roberts
Allen	Gilchrist	McCain	Robison (Montgomery)
Bentley	Givhan	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark	James	Nichols	Tyson
Cooper	Lolley	Oden	Wilson
Dumas			

—32

Nays:

—0

The Bill:

H. 285. To authorize and provide for the promotion of the production, marketing and use of eggs and egg products by research, education, advertising and other methods; prescribing a method whereby producers of eggs may act jointly with handlers, buyers and processors of poultry and poultry products and with the State Board of Agriculture and Industries for a promotional program; providing that producers of eggs who own or have possession of hens may by referendum levy upon themselves assessments for financing a promotional program and for the collection and expenditure of funds collected from assessments, the regulations, requirements and authority relative thereto; prescribing duties of the Commissioner of Agriculture and Industries and the State Board of Agriculture and Industries with respect to such a promotional program; and providing for the administration thereof by nonprofit associations; and providing for the collection of assessments by dealers, handlers, processors or other purchasers of hens; requiring an annual permit of such dealers, processors and buyers of hens; refund rights of sellers of hens; and other administrative, enforcement and penalty provisions in connection with such a promotional program.

was taken up by Mr. Bentley at the request of Mr. Horton and said Bill was read a third time at length and passed.

Yeas 32; Nays 0.

Yeas:

Messrs.	Eddins	Lowe	Reynolds
Adams	Evans	Mathews	Roberts
Allen	Gilchrist	McCain	Robison (Montgomery)
Bentley	Givhan	McDow	Shelton
Brannan	Hawkins	Metcalfe	Smith
Carter	Hornsby	Montgomery	Taylor
Clark	James	Nichols	Tyson
Cooper	Lolley	Oden	Wilson
Dumas			

—32

Nays:

—0

The Bill:

S. 429. Relating to civil remedies and procedure; providing an additional and alternative method for the service of process in civil actions brought in justice of the peace courts.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, to-wit:

Amendment to Senate Bill 429

At the end of Section 1 add the following sentence:

“It is further provided that no cost of service shall be assessed other than the actual cost of mailing the process when such service is made by certified mail.”

Which was adopted.

Yeas 33; Nays 0.

Yeas:

Messrs.	Evans	Mathews	Roberts
Adams	Gilchrist	McCain	Robison (Montgomery)
Allen	Givhan	McDow	Robison (Pickens)
Bentley	Hammond	Metcalf	Shelton
Brannan	Hawkins	Montgomery	Smith
Carter	Hornsby	Nichols	Taylor
Clark	James	Oden	Tyson
Cooper	Lolley	Reynolds	Wilson
Eddins	Lowe		

—33

Nays:

—0

And said Bill, SB 429, as thus amended, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 31; Nays 0.

Yeas:

Messrs.	Eddins	Lolley	Roberts
Adams	Evans	Lowe	Robison (Montgomery)
Allen	Gilchrist	McCain	Robison (Pickens)
Bentley	Givhan	McDow	Shelton
Brannan	Hammond	Metcalf	Smith
Carter	Hawkins	Nichols	Taylor
Clark	Hornsby	Oden	Tyson
Cooper	James	Reynolds	Wilson

—31

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Engel, McDermott, Rogers, McCorquodale and Hogan:

H. 67. To divide the state into congressional districts and provide for election of congressmen by districts; amending Code of Alabama 1940, Title 17, Sections 425-426.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H.B. 67 - to the Committee on Seaports

BILLS ON THIRD READING RESUMED

The Bill:

H. 1008. Prohibiting the use of convict labor by the State Highway Department in the construction, repair, and maintenance of certain county roads and bridges.

Was read a third time at length and passed.

Yeas 27; Nays 2.

Yeas:

Messrs.	Dumas	Lolley	Reynolds
Adams	Evans	Lowe	Robison (Pickens)
Allen	Gilchrist	Mathews	Shelton
Bentley	Givhan	McCain	Smith
Brannan	Hammond	Metcalf	Taylor
Carter	Hawkins	Nichols	Tyson
Clark	James	Oden	Wilson

—27

Nays:

Messrs.	Cooper	Eddins
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—2

The Bill:

H. 183. To amend further Section 1 of the Farm to Market Road Act of 1943 in relation to the definition of terms as used in the act.

Was read a third time at length and passed.

Yeas 26; Nay 1.

Yeas:

Messrs.	Dumas	James	Reynolds
Adams	Eddins	Lolley	Robison (Montgomery)
Allen	Evans	Mathews	Robison (Pickens)
Brannan	Gilchrist	McCain	Shelton
Carter	Givhan	McDow	Smith
Clark	Hawkins	Metcalf	Taylor
Cooper	Hornsby	Nichols	

—26

Nay:

Mr. Lowe

—1

The Bill:

S. 335. To provide for the liquidation of the obligation of the State of Alabama to the Treasurer of the United States as a result of benefits paid under the Temporary Unemployment Compensation Act of 1958.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 31; Nays 0.

Yeas:

Messrs.	Dumas	Lolley	Reynolds
Adams	Eddins	Lowe	Roberts
Allen	Evans	Mathews	Robison (Montgomery)
Bentley	Gilchrist	McCain	Robison (Pickens)
Brannan	Givhan	McDow	Smith
Carter	Hammond	Metcalf	Taylor
Clark	Hornsby	Nichols	Tyson
Cooper	James	Oden	Wilson

—31

Nays:

—0

The Bill:

H. 785. To appropriate \$300,000 annually or as much thereof as may be necessary from the Alabama Special Educational Trust Fund to the State Board of Education as a part of the Minimum Program Fund, in addition to all other appropriations in the Minimum Program Fund, for the education and training of exceptional children including the administration, maintenance, and operation of classrooms, classes, and teachers for such classes in accordance with Act No. 67, approved June 27, 1963.

Was read a third time at length and passed.

Yeas 32; Nays 0.

Yeas:

Messrs.	Eddins	Lowe	Roberts
Adams	Evans	Mathews	Robison (Montgomery)
Allen	Gilchrist	McCain	Robison (Pickens)
Bentley	Givhan	McDow	Shelton
Brannan	Hammond	Metcalf	Smith
Carter	Hornsby	Nichols	Taylor
Clark	James	Oden	Tyson
Cooper	Lolley	Reynolds	Wilson
Dumas			

—32

Nays:

—0

The Bill:

S. 328. To amend Section 1 of Act No. 493 adopted at the 1955 Regular Session of the Legislature of Alabama as the same has been previously amended, relating to municipal public building authorities, so as to enlarge the definition "project" contained in that section to include an auditorium.

was taken up.

Mr. Roberts offered the following substitute for the Bill, to-wit:

Substitute for S. 328

A BILL
TO BE ENTITLED
AN ACT

To amend Section 1 of Act No. 493 adopted at the 1955 Regular Session of the Legislature of Alabama as the same has been previously amended, relating to municipal public building authorities, so as to enlarge the definition "project" contained in that section to include an auditorium, music hall, art gallery, art center, and museum.

Be It Enacted By The Legislature Of Alabama:

(1) Section 1 of Act No. 493 adopted at the 1955 Regular Session of the Legislature of Alabama, as the said section has been heretofore amended, shall be and the same is hereby further amended so that the said section shall read in its entirety as follows:

"Section 1. Definitions.- The following words and phrases, including the plural of any thereof, whenever used in this act, shall in the absence of clear implication herein otherwise have the following respective meanings:

'The corporation' means a corporation organized pursuant to the provisions of this act.

'Board' means the board of directors of the corporation.

'The state means the state of Alabama.'

'The municipality' means that incorporated city or town in the state which authorized the organization of the corporation.

'The County' means that county in which the certificate of incorporation of the corporation shall be filed for record.

'Local subdivision' means the municipality or the county.

'Public corporation' means (a) any public corporation (other than a corporation organized under this act) now or hereafter organized or created in the state pursuant to the authorization or determination by the municipality, by the municipality and one or more other cities and towns in the state, by the county, by the county and one or more counties in this state, or by the governing body of any thereof, and (b) the board of education of the municipality or of the county.

'United States' means the United States of America or any of its agencies or instrumentalities.

'Governing body' means the council, board of commissioners or other like body in which the legislative functions of the municipality are vested by law.

'Project' means a building or buildings located or to be located in the municipality or in its police jurisdiction and designed for use and occupancy as a courthouse, jail, city or town hall, auditorium, music hall, art gallery, art center, museum, municipal building, or post office, or for the supplying of office, warehousing, storage or related facilities for officers and departments of the municipality, the county, any public corporation, any agencies for which the municipality, the county or any public corporation may lawfully furnish office, warehousing, storage or related facilities, and the United States, or any one or more thereof, together with any lands deemed by the board to be desirable in connection therewith.

'Bond' means any bond authorized to be issued pursuant to the provisions of this act, including refunding bonds.

'Coupon' means any interest coupon evidencing an installment of interest payable with respect to a bond.

'Indenture' means a mortgage, an indenture of mortgage, deed of trust, trust agreement or trust indenture executed by the corporation as security for any bonds."

(2) This act shall become effective immediately upon its approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.	Eddins	Lolley	Oden
Allen	Evans	Lowe	Reynolds
Bentley	Gilchrist	Mathews	Roberts
Brannan	Givhan	McCain	Robison (Montgomery)
Carter	Hammond	McDow	Robison (Pickens)
Clark	Hawkins	Metcalf	Smith
Cooper	Hornsby	Nichols	Taylor
Dumas	James		

—29

Nays:

—0

And said Bill, SB 328, as thus amended by the substitute, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

Yeas:

Messrs.	Dumas	Lowe	Roberts
Adams	Eddins	Mathews	Robison (Montgomery)
Allen	Evans	McCain	Robison (Pickens)
Bentley	Gilchrist	McDow	Smith
Brannan	Givhan	Metcalf	Taylor
Carter	Hammond	Oden	Tyson
Clark	Hawkins	Reynolds	Wilson
Cooper	Lolley		

—29

Nays:

—0

The Bill:

S. 405. To amend Section 511 of Title 37 of the Code of Alabama of 1940 so as to enlarge the said section to include other public cultural facilities.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 30; Nays 0.

Yeas:

Messrs.	Dumas	Lolley	Roberts
Adams	Eddins	Lowe	Robison (Montgomery)
Allen	Evans	Mathews	Robison (Pickens)
Bentley	Gilchrist	McCain	Smith
Brannan	Givhan	McDow	Taylor
Carter	Hammond	Metcalf	Tyson
Clark	Hornsby	Nichols	Wilson
Cooper	James	Reynolds	

—30

Nays:

—0

The Bill:

S. 116. Relating to the police power of the state; to prohibit unauthorized persons going upon or remaining on church property or entering churches contrary to specific instructions by an authorized agent of such church; prescribing penalties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 30; Nays 0.

Yeas:

Messrs.	Dumas	James	Roberts
Adams	Eddins	Lolley	Robison (Montgomery)
Allen	Evans	Lowe	Robison (Pickens)
Bentley	Gilchrist	Mathews	Smith
Brannan	Givhan	McDow	Taylor
Carter	Hammond	Metcalf	Tyson
Clark	Hawkins	Nichols	Wilson
Cooper	Hornsby	Reynolds	

—30

Nays:

—0

The Bill:

S. 352. To provide for the appointment of counsel for indigent defendants at the expense of the State in certain noncapital criminal cases and in certain other cases involving the life and liberty of those charged or convicted of crimes, on trial and on appeal; to make an appropriation from the General Fund for carrying out the purposes of this Act and to make expenditures therefrom subject to the approval of the Governor and the condition of the General Fund.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, to-wit:

Amendment to Senate Bill No. 352

In Section 11 strike the words "not otherwise appropriated a sum sufficient" and insert in lieu thereof the words "the sum of Thirty-Five Thousand (\$35,000) Dollars".

Which was adopted.

Yeas 25; Nays 2.

Yeas:

Messrs.	Eddins	James	Metcalf
Adams	Evans	Lolley	Nichols
Allen	Gilchrist	Lowe	Reynolds
Bentley	Givhan	Mathews	Robison (Montgomery)
Brannan	Hammond	McCain	Robison (Pickens)
Cooper	Hawkins	McDow	Wilson
Dumas	Hornsby		

—25

Nays:

Messrs.	Carter	Roberts
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—2

And said Bill, SB 352, as thus amended, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 7.

Yeas:

Messrs.	Evans	Lowe	Robison (Montgomery)
Adams	Givhan	McCain	Robison (Pickens)
Allen	Hawkins	McDow	Smith
Bentley	James	Metcalf	Tyson
Brannan	Lolley	Reynolds	Wilson
Clark			

—20

Nays:

Messrs.	Cooper	Eddins	Roberts
Carter	Dumas	Gilchrist	Shelton

—7

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 120. Relative to Honorable Matthew W. Clinton, retired member of the faculty of the Tuscaloosa Senior High School.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution; the title of which is set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 449. To amend Title 55, Sections 343 and 344, Code of Alabama 1940.

Also:

H. 494. Relating to contractors bidding on highway work submitting a check or bid bond with their bid as a proposal guaranty.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. J. R. 124. Relative to inviting Senator Thomas Clarence Stone of North Carolina to address a joint session of the Alabama Legislature.

Also:

H. 356. Relating to counties having populations of not less than 60,500 nor more than 65,400, regulating the practice of barbering; prescribing the terms upon which licenses may be issued to practitioners of barbering, including students and apprentices; regulating barber shops, barber schools and instructors; providing for the appointment of a County Board of Barber Commissioners, and defining the duties of said Board; prescribing fees; defining certain misdemeanors and providing penalties for violation thereof.

Also:

H. 698. To alter, rearrange and extend the boundaries and corporate limits of the town of Springville, St. Clair County, Alabama, so as to annex certain territory to the town.

Also:

H. 541. To raise revenue; imposing a privilege or license tax on persons, firms and corporations engaged in the business of performing certain contracts; fixing the rate of the tax and providing for collection, enforcement and distribution thereof.

Also:

H. 10. To amend Section 2 of Act No. 231, H. 513, Regular Session 1961 (Acts 1961, v. 1, p. 263) relating to counties having populations of not less than 76,000 nor more than 96,000.

Also:

H. 543. To Amend Further an Act Approved November 4, 1950, Entitled "An Act to Create a Board of Revenue for Jackson County; Providing its powers and duties and for compensation of its members; prescribing penalties for violations of this Act; and abolishing the Court of County Commissioners of Jackson County" (Acts of Alabama 1950-51, Vol. 1, P. 126) so as to Duly Authorize the Board of Revenue to Employ Clerical Help.

Also:

H. 306. To authorize the county governing body of every county in Alabama, which has a population of not less than 22,550 nor more than 24,550 according to the last or any subsequent federal decennial census, to fix the compensation of the clerk employed by the sheriff, but paid from the county treasury, within limits prescribed in this act and provide for the payment thereof in whole or in part out of the county highway and traffic control fund or out of the general fund.

Also:

H. 695. Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the 1960 or any subsequent federal decennial census; authorizing the court of county commissioners, board of revenue or like governing body of such counties to appropriate public funds of the county for payment of certain equitable and just claims for which the county is not legally liable.

Also:

H. 702. To amend Section 2 of Act No. 139, H. 90, First Special Session 1956, an act relating to the office of circuit solicitor of the thirty-first judicial circuit of Alabama.

Also:

H. 846. Relating to Sumter County; declaring motor vehicles, guns, rifles, ammunition and hunting equipment used in illegal nighttime deer hunting in the county to be contraband; and providing for the condemnation and sale thereof for the benefit of the state conservation fund.

Also:

H. 847. To alter and rearrange the boundaries of the town of Livingston, Sumter County.

Also:

H. 939. Relating to the fifteenth judicial circuit of Alabama; regulating and prescribing the qualifications of persons engaged in the bail bond business in such circuit; repealing conflicting laws.

Also:

H. 820. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain

additional territory in Sections 21, 22, 27 and 28, Township 16 North, Range 18 East, Montgomery County, Alabama.

Also:

H. 580. To fix the compensation of the judge of probate of all counties having a population of not less than 160,000 nor more than 300,000, according to the last or any subsequent federal decennial census, and to regulate the payment of same, and to require the judge of probate to pay into the County Treasury of said county all costs and charges of Court, Fees and Commission authorized by law to be collected by said judge of probate as other moneys belonging to said county are paid.

Also:

H. 981. To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in all counties having populations of not less than 21,850 nor more than 21,950 according to the 1960 or any subsequent federal decennial census; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

Also:

H. 775. Relating to all judicial circuits of the State of Alabama composed of only one county and having a population of not less than Sixty Thousand Five Hundred (60,500) and not more than Sixty-five Thousand (65,000) inhabitants according to the last or any succeeding federal decennial census; authorizing the solicitor of said circuit to appoint a Deputy Circuit Solicitor and providing for the payment of said Deputy Circuit Solicitor's compensation from the general funds of the county constituting such circuit.

Also:

H. 774. To provide for payment of expenses of circuit solicitors in judicial circuits in Alabama composed of one county and having a population of not less than Sixty Thousand Five Hundred (60,500) and not more than Sixty-five Thousand (65,000) inhabitants according to the last or any succeeding federal decennial census, to be paid out of the county treasury of such counties.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolution; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill and House Joint Resolutions, your signature thereto is requested.

H. 712. To alter, rearrange and extend the boundary lines of the City of Anniston, Alabama in Calhoun County, Alabama, so as to include within the corporate limits of said city certain property therein set out and described.

Also:

H. J. R. 123. Relative to proclaiming August 16 as Industrial Appreciation Day for Lawrence County.

Also:

H. J. R. 126. Relative to saluting Alabama's 132,000 4-H Club members and their adult leaders.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and House Joint Resolutions; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 554. Relating to counties having populations of not less than 96,000 nor more than 106,000; regulating and providing for payment of expense allowances of constables serving the county court in such counties.

Also:

H. 748. Relating to counties having populations of not less than 96,000 nor more than 106,000; authorizing certain teachers in the public schools who are over age seventy to be continued in service; and prescribing conditions for their continued employment.

Also:

H. 760. To alter, rearrange and extend the boundary lines and corporate limits of the City of Scottsboro, in Jackson County, Alabama, and to prescribe the time when this Act shall become effective.

Also:

H. 765. To require the payment to the Sheriff of Jefferson County, Alabama of a fee of Five Dollars (\$5.00) for each pistol permit issued by him; to provide that the Sheriff shall pay the Five Dollars (\$5.00) to the County Treasurer; to provide that the County Treasurer shall deposit Fifty Cents (50c) of said fee in the General Fund of the County and shall pay Four Dollars and Fifty Cents (\$4.50) of said fee to the Fund of the Retirement System for County Employees of Jefferson County established by

Act No. 551 of the Legislature of Alabama of 1953, approved September 9, 1953, (Acts of Alabama, 1953, pages 766, et seq.) so long as the benefits paid under said Act No. 551 are less than the benefits provided for by the schedule of specific benefits stated in said Act; to provide that when the aforesaid Four Dollars and Fifty Cents (\$4.50) of said fee is not paid the said Fund established by Act No. 551 the said Four Dollars and Fifty Cents (\$4.50) shall be paid to the Fund of the Retirement System for County Employees established by Act No. 843 of the Legislature of Alabama of 1961, approved September 8, 1961, (Acts of Alabama of 1961, pages 1250, et seq.); to provide that the collection of said fee shall not commence until Act No. 343 of the Legislature of Alabama of 1953, approved August 7, 1953, (Acts of Alabama of 1953, page 404, et seq.) has been repealed; and to repeal all laws and parts of laws in conflict with this Act.

Also:

H. 800. Relating to Marshall County; providing deputies and other assistants for the sheriff and fixing their compensation; repealing conflicting laws.

Also:

H. 803. To prohibit the taking of fish from the public waters of Marshall County with certain commercial fishing gear during certain months; and prescribing penalties.

Also:

H. 839. To apply only in Shelby County; regulating further the taking of fish from public streams and impounded waters; authorizing the taking of catfish by the use of baskets or nets including wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken.

Also:

H. 840. To amend further Act No. 479, H. 1079, Regular Session 1959 (1959 Acts, p. 1198), an Act establishing the Law and Equity Court for Shelby County.

Also:

H. 841. To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves stocked by artificially propagated upland birds in Shelby County; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties.

Also:

H. 842. To provide that no municipality whose corporate limits do not lie within or extend into and embrace and include a portion of Shelby County shall have or exercise police jurisdiction within Shelby County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Shelby County or over or on any person in Shelby County or property or business or trade or profession in Shelby County; nor shall any such municipality levy, fix or collect any license or fee of any kind on or for the exercise of any business, trade or profession done in Shelby County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violation thereof have force or effect in Shelby County.

Also:

H. 843. To alter and rearrange the boundaries of the Town of Alabaster, and extend the corporate limits of the municipality, making the act effective upon approval of the qualified electors of the territory to be annexed, and providing for a referendum on the proposition.

Also:

H. 844. To alter, rearrange, and extend the boundaries of the town of Alabaster, Shelby County.

Also:

H. 715. To alter, rearrange and extend the boundary lines and corporate limits of the town of Butler, in Choctaw County, Alabama.

Also:

H. 716. Relating to counties having not less than 17,800 nor more than 18,700 population; providing for the payment of additional expense allowances of members of the court of county commissioners, board of revenue or like governing body of such counties.

Also:

H. 769. To further amend Sections 3, 7 and 9 of Act No. 843 of the Regular Session of the Legislature of Alabama of 1961, approved September 8, 1961.

Also:

H. 948. To provide further for purging the lists of registered voters in Tallapoosa County, requiring and prescribing the procedure for reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification of registered voters; and providing penalties for making a wilful false statement in connection with reidentification.

Also:

H. 736. Relating to Cullman County; authorizing and providing for the establishment, maintenance, operation, control and financing of a public law library for the county.

Also:

H. 737. To amend Section 1 of Act No. 56, H. 325, Regular Session 1943 (Local Acts 1943, p. 28), an act authorizing the levy in Cullman County of a privilege tax on persons and businesses selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county gasoline, naptha, and other liquid motor fuels or any device or substitute therefor, commonly used in internal combustion engines.

Also:

H. 757. To alter, re-arrange and extend the boundaries and corporate limits of the municipality of Greensboro in Hale County; annexing certain territory to said municipality.

Also:

H. 759. Relating to counties having populations of not less than 50,000 nor more than 54,000; providing expense allowances for members of

the court of county commissioners, board of revenue, or other like county governing body.

Also:

H. 776. To repeal an act entitled "An Act, relating to Lawrence County, providing for a Fine and Forfeiture Fund in the County Treasury and for the use thereof, repealing Act No. 362, H. 471, Regular Session 1961 (Acts 1961, Vol. 1, page 381), an act abolishing the Fine and Forfeiture fund of the County."

Also:

H. 833. To amend further Section 1 of Act No. 64, H. 259, Regular Session 1947 (Local Acts 1947, p. 45), an act providing for the appointment of a deputy clerk for the circuit court of Morgan County.

Also:

H. 834. To alter, rearrange, and extend the boundaries of the City of Decatur in Morgan County.

Also:

H. 836. To amend further Section 1 of Act No. 68, H. 263, Regular Session 1947 (Local Acts 1947, p. 51), an act providing for the appointment of a deputy register for the circuit court of Morgan County.

Also:

H. 848. To make it lawful for any person, or persons, to use stationary fish traps with wooden fingers or slats not less than one and one-half inches apart for the purpose of taking or catching commercial or non-game fish in that part of any river that lies within counties in Alabama having a population not less than 65,000 nor more than 95,000 according to the last or any subsequent federal census; and to further regulate the operation of such traps.

Also:

H. 857. To authorize the governing body of any county having a population of not less than 15,300 nor more than 15,400 to appropriate county funds to municipal industrial development boards within or without the county.

Also:

H. 849. To create and establish in Talladega County a county court of limited jurisdiction of criminal, civil cases at law and juvenile cases, composed of two divisions, a Northern Division and a Southern Division, to be known as the "County Court of Talladega County", Northern Division and Southern Division, and abolish the intermediate Court of Talladega County created by Act 733, H. 1077, approved September 5, 1951 (Acts of 1951, page 1281), and also the Civil and Misdemeanors Court of South Talladega County created by Act 109, S. 37, approved August 24, 1959 (Acts of 1959, page 330); providing for its officers and their term, powers, duties, compensation and method of selection; prescribing its jurisdiction; regulating its procedure and process; providing for the return of warrants thereto, including all warrants for the violation of the rules of the road and similar offenses; fixing the costs, charges and commissions collectible in the court; providing for appeals from the court; providing for the transfer to the court of all cases pending in and judgments rendered by the Intermediate Court of Talladega County and the Civil and Misdemeanors Court of South Talladega County.

Also:

H. 777. Relating to Lawrence County, providing for a Fine and Forfeiture Fund in the County Treasury and for the use thereof, repealing Act No. 362, H. 741, Regular Session 1961 (Acts 1961, Vol. 1, page 381), an act abolishing the Fine and Forfeiture Fund of the County.

Also:

H. 717. Proposing an amendment to the Constitution of Alabama relative to promotion of economic development of Clarke County.

Also:

H. 764. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, to authorize and empower the Legislature by general or local laws to fix, regulate, and change the jurisdiction of any or all inferior courts established in lieu of Justices of the Peace in Jefferson County, in all civil cases so long as the amount in controversy does not exceed five hundred dollars, except in cases of libel, slander, assault and battery, and ejection; and to ratify, validate, and confirm all acts of the Legislature, whether general or local, providing for such change in jurisdiction prior to the adoption of this amendment, and all judgments of such courts rendered pursuant to such acts.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 351. To provide for the furnishing to indigent convicted defendants in criminal cases and in certain other related proceedings involving life, liberty or property of those convicted of crime of a record and transcript of evidence for appeal at the expense of the State; to state the purposes of this act; to define the cases to which this act is applicable; to prescribe the manner and time for indigents to apply for transcripts on appeal; to prescribe the manner of proceeding and disposition by the trial court of petition for such transcripts on appeal; to provide for conditions under which an abridged record may be ordered; to provide for the trial court to order all or a part of the cost of the transcript on appeal, including court reporters' fees and clerks' fees to be paid out of the general fund of the State treasury, and to require the appellant to pay part of the cost if he is able; to make special provisions for appeals now pending, or where the time for appeal has not expired; to provide for a review of a denial of a petition by the trial court; to provide for a judgment to be entered against an unsuccessful appellant to pay the fees of the clerk and court reporter paid by the State, and that such fees shall be paid into the general fund of the State; to provide further for an additional sentence for hard labor for the county or imprisonment in the penitentiary at a certain rate if said

payment is not made; to authorize the Supreme Court with the advice and consultation of the Court of Appeals to make rules to accomplish the purposes of this act, and to also so authorize circuit courts and other courts having jurisdiction hereunder; to appropriate annually out of the general fund of the State treasury an amount sufficient to pay said court reporters and clerks and to carry out the provisions of this act, said appropriation being subject before disbursement to the approval of the Governor and contingent upon the opinion of the Governor of the condition of the State treasury; to repeal Act No. 62, Acts of Alabama 1961, page 1930, approved September 15, 1961, entitled, "An Act to provide for the furnishing of transcripts of evidence for appeals in criminal cases where defendant, appellant is indigent; . . .", etc., with certain exceptions; and to provide for the effective date of this act.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, to-wit:

AMENDMENT TO SENATE BILL NO. 351

In Section 12 strike the words "not otherwise appropriated, an amount sufficient" and insert in lieu thereof the words "the sum of Fifteen Thousand (\$15,000) Dollars, not to be exceeded in any one fiscal year"

Which was adopted.

Yeas 22; Nays 5.

Yeas:

Messrs.	Evans	Mathews	Robison (Montgomery)
Adams	Givhan	McCain	Robison (Pickens)
Bentley	Hornsby	McDow	Shelton
Brannan	James	Metcalf	Smith
Clark	Lolley	Nichols	Wilson
Dumas	Lowe	Reynolds	

—22

Nays:

Messrs.	Cooper	Gilchrist	Taylor
Carter	Eddins		

—5

Mr. Wilson offered the following amendment to the Bill, SB 351, as amended, to-wit:

AMENDMENT TO SENATE BILL 351

In the title strike the word "sufficient" as it appears in the clause "to appropriate annually out of the general fund of the State treasury an amount sufficient to pay said court reporters and clerks and to carry out the provisions of this act."

Which was adopted.

Yeas 23; Nays 4.

Yeas:

Messrs.	Allen	Brannan	Dumas
Adams	Bentley	Clark	Evans

Givhan	Lowe	Metcalf	Robison (Pickens)
Hornsby	Mathews	Nichols	Shelton
James	McCain	Reynolds	Smith
Lolley	McDow	Robison (Montgomery)	Wilson

—23

Nays:

Messrs.	Cooper	Eddins	Gilchrist
Carter			

—4

And said Bill, SB 351, as thus amended, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 5.

Yeas:

Messrs.	Evans	Lowe	Reynolds
Adams	Givhan	Mathews	Robison (Montgomery)
Bentley	Hawkins	McCain	Robison (Pickens)
Brannan	Hornsby	McDow	Smith
Clark	James	Metcalf	Wilson
Dumas	Lolley	Nichols	

—22

Nays:

Messrs.	Cooper	Gilchrist	Shelton
Carter	Eddins		

—5

The Bill:

H. 574. To amend Section 787, Title 51, Code of Alabama, 1940, as amended, so as to further define the term "sale at wholesale" to include therein parts or materials used in repairing or reconditioning tangible personal property for sale.

Was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs.	Dumas	James	Nichols
Adams	Eddins	Lolley	Reynolds
Allen	Evans	Lowe	Roberts
Bentley	Gilchrist	Mathews	Robison (Montgomery)
Brannan	Givhan	McCain	Robison (Pickens)
Carter	Hawkins	McDow	Shelton
Clark	Hornsby	Metcalf	Smith
Cooper			

—28

Nays:

—0

The Bill:

H. 575. To amend Section 1, Act No. 100, Second Special Session 1959, so as to further define the term "sale at wholesale" to include therein parts or materials used in repairing or reconditioning tangible personal property for sale.

Was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Messrs.	Dumas	Lolley	Reynolds
Adams	Eddins	Lowe	Roberts
Allen	Evans	Mathews	Robison (Montgomery)
Bentley	Gilchrist	McCain	Robison (Pickens)
Brannan	Givhan	McDow	Shelton
Carter	Hawkins	Metcalf	Smith
Clark	Hornsby	Nichols	Tyson
Cooper	James		

—29

Nays:

—0

The Bill:

S. 195. To regulate the practice of psychologists in Alabama as herein defined; to create a Board to be known as the "Alabama Board of Examiners in Psychology"; to prescribe the duties and powers of said Board; to provide for the examination, licensure, and regulation of psychologists; to fix penalties for the violation of this act; to impose license fees and to provide for the use of funds received.

was taken up.

The Standing Committee on Public Health reported the following substitute for the Bill, to-wit:

Substitute for SB 195

A BILL TO BE ENTITLED AN ACT

To regulate the practice of psychologists in Alabama as herein defined; to create a Board to be known as the "Alabama Board of Examiners in Psychology"; to prescribe the duties and powers of said board; to provide for the examination, licensure, and regulation of psychologists; to fix penalties for the violation of this act; to impose license fees and to provide for the use of funds received.

Be it Enacted by the Legislature of Alabama:

Section 1. There is hereby created a Board to be known as the Alabama Board of Examiners in Psychology composed of five members, appointed by the Governor of this State within sixty days after the effective date of this act, in the manner and for the term of office as hereinafter provided. Said Board shall perform such duties and have such powers as the Act prescribes and confers upon it.

Section 2. As used in this act, the following terms mean: (a) a person practices as a "Psychologist" within the meaning of this act when he

holds himself out to be a Psychologist and/or renders to individuals or to the public for remuneration any service involving the application of recognized principles, methods, and procedures of the science and profession of psychology, such as interviewing or administering and interpreting tests of mental abilities, aptitudes, interests and personality characteristics for such purposes as psychological evaluation or for such purposes as overall personality appraisal or classification, personality counseling, psychotherapy or personality readjustment. (b) Nothing in this definition shall be construed as permitting the use of those forms of psychotherapy which involve the administration or prescription of drugs or electro-shock or in any way infringing upon the practice of medicine as defined in the laws of this State. The psychologist who engages in psychotherapy must establish and maintain effective inter-communication with a psychologically oriented physician, usually a psychiatrist, to make provision for the diagnosis and treatment of medical problems by a physician with an unlimited license to practice the healing arts in this State. A psychologist must not attempt to diagnose, prescribe for, treat, or advise a client with reference to problems or complaints falling outside the boundaries of psychological practice. (c) Nothing in this definition shall be construed as preventing qualified school counselors, vocational guidance counselors, vocational rehabilitation counselors, speech and hearing therapists, speech pathologists and audiologists, reading therapists or teachers of exceptional children from rendering to the public for remuneration services for which they are qualified by training and experience involving the techniques of interviewing, administering and interpreting tests of mental abilities, achievement, interests, and aptitudes for such purposes as evaluation or for educational or vocational guidance, selection or placement.

Section 3. It is specifically prohibited that any individual or organization shall present himself or be presented to the public by any title incorporating the name "psychological", "psychologist", or "psychology" other than so licensed by this Act, except that any psychological scientist employed by a recognized research laboratory, school, college, university or governmental agency may represent himself by the academic or research title conferred upon him by the administration of such laboratory, school, college or university or governmental agency. Nothing in this section shall be construed as permitting such persons to offer their services to any other persons or organizations as consultants or to accept remuneration for any psychological services other than that of their institutional salaries, unless they have been licensed under this Act. Visiting lecturers from recognized laboratories, schools, colleges, universities, or governmental agencies are exempt from the provisions of this section and may utilize their academic or research title when presenting lectures or performing such consultation as might be required in their academic or research functions. Students of psychology, psychological interns, and other persons preparing for the profession of psychology under qualified supervision in recognized training institutions or facilities may be designated by such titles as "psychological intern", "psychological trainee" or others clearly indicating such training status. No individual may employ or use the title "Licensed Psychologist" or imply in any way that he is licensed by the Board unless he is actually so licensed and registered under this Act.

Section 4. There is hereby created a State Board of Examiners in Psychology hereinafter referred to as the Board to consist of five members who shall be appointed by the Governor under conditions hereinafter set forth. At least two members shall be chosen from and shall be members of the faculty, with the rank of assistant professor or above, of the accredited colleges and universities of the State and who are licensed or qualified for licensure under the provisions of this Act, and shall be primarily engaged in teaching, research and/or administration of psychology; three members shall be licensed psychologists or qualified for such licensure under the terms of this Act.

Said Board shall perform such duties and exercise such powers as this Act prescribes and confers upon it. No member of the Board shall be liable to civil action for any act performed in good faith in the performance of his duty as set forth in this Act. Original appointments to the Board shall be for terms as follows: One practicing psychologist for term of one year, one academic psychologist for a term of two years, one practicing psychologist for a term of three years, one academic psychologist for a term of four years, and one practicing psychologist for a term of five years. Vacancies shall be filled for any unexpired term and members shall serve until their successors are appointed and have qualified.

Board members shall be ineligible for reappointments for a period of five years following completion of their terms. Within thirty days after the effective date of this Act, the Executive Committee of the Alabama Psychological Association shall submit to the Governor a list of qualified candidates for the five positions on the Board: said list shall contain names of at least four qualified academic psychologists and six qualified practicing psychologists, from which the Governor will select the Board within sixty days. Subsequent appointments to the Board shall be made by the Governor in the following manner; not later than October 1 of each year the Executive Committee of the Alabama Psychological Association shall submit to the Governor the names of two qualified candidates for the position of the Board to be vacated by reason of expiration of term of office. From the two candidates the Governor shall appoint one member not later than January 1 to serve on the Board for a term of five years. Other vacancies occurring in the Board shall be filled for the unexpired term by appointment of the Governor from two candidates for each such vacancy submitted within thirty days after the vacancy occurs by the Executive Committee of the Alabama Psychological Association. Such appointments shall be made within thirty days after the candidates' names have been submitted. If the said Association shall fail to furnish the Governor with the said list of persons eligible for appointment to the Board, the Governor shall appoint such members of the profession of psychology hereto as may seem to him to be proper. Any Board members may be removed by the Governor after notice and hearing for incompetence, neglect of duty, malfeasance in office, or moral turpitude.

Immediately and before entering public duties of said office, the members of the Board shall taken the constitutional oath of office and shall file same in the office of the Governor, who upon receiving said oath of office shall issue to each member a certificate of appointment. The Board shall have available for the Governor or his representative detailed reports on proceedings and shall make annual reports in such form as required by the Governor.

The Board shall elect annually a Chairman and Vice-Chairman. Each member shall receive all necessary expenses incident to holding meetings, provided however that expenses shall in no case exceed the fees collected by said Board. The Board shall hold at least one regular meeting each year. Additional meetings may be held at the discretion of the Chairman or at the written request of any two members of the Board. Said Board shall adopt a seal which must be affixed to all certificates issued by the Board. The Board shall from time to time adopt such rules and regulations as they may deem necessary for the performance of their duties. Three members of the Board shall at all times constitute a quorum. The Board shall be empowered to hire assistants as is necessary to carry on its activities within the limit of funds available to the Board, and shall be empowered to accept grants from foundations, individuals, and institutions to carry on its functions.

Section 5. Any person wishing to obtain the right to practice as Psychologist in this state, who has not heretofore been licensed to do so, shall,

before it shall be lawful for him to practice psychology in this state, make application to the Board of Examiners in Psychology through the Chairman upon such form and in such manner as shall be adopted and prescribed by the Board. Unless such a person had obtained license as foresaid, it shall be unlawful for him to practice, and if he shall practice psychology without first having obtained such a license, he shall be deemed to have violated the provisions of this Act. A candidate for such license shall furnish the Board with satisfactory evidence that (a) he is of good moral character; (b) is at least 21 years of age; (c) has received a doctorate degree in Psychology from an educational institution accredited and recognized by national and regional accrediting agencies as maintaining satisfactory standards, or, in lieu of said degree, a doctorate degree in a closely allied field, if the training received therefore is substantially similar to that required of doctorates obtained from departments of psychology; (d) is competent in psychology as shown by passing such examinations, written or oral, or both, as the Board will prescribe; is not engaged in unethical practice as defined in the Code of Ethics of the American Psychological Association; (f) has not within the preceeding six months failed an examination given by the Board, provided that the Board may in its discretion accept satisfactory substitute training and experience in lieu of that prescribed in sub-section (c) above for a period of two years following the effective date of this Act.

Section 6. If any person shall hold himself out to the public as being engaged in the practice of psychology, such as clinical, consulting, industrial, educational or counseling psychology and shall not then possess in full force and virtue a valid license to practice as Psychologist under the provision of the Act, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars nor more than five hundred dollars. Nothing in this Act shall be construed to limit the professional pursuits of teachers in recognized public and private schools, clergymen, practioners of medicine, social workers, and guidance counselors, from full performance of their professional duties. However, in such performance any title must be in accord with the provisions of this Act. Students of psychology, psychological interns or other persons preparing for the profession of psychology may perform as a part of their training the functions specified in the provisions of this Act, but only under qualified supervision. Use of psychological techniques by business and industrial organizations for employment placement, evaluation, promotion or job adjustment of their own officers or employees or by employment agencies for the evaluation of their own clients prior to recommendations for employment is also specifically allowed. However, no industrial or business firm or corporation may sell or offer to the public or to other firms or corporations for remuneration any psychological services as specified in the provisions of this Act unless such services are performed or supervised by individuals duly and appropriately licensed under this Act.

Section 7. Examination of applicant's for a license to practice psychology shall be made by the Board of Examiners in Psychology at least once a year according to methods and in such subject fields as may be deemed by the Board to be the most practical and expeditious to test the applicant's qualifications. The Board shall require the examinations to be written or oral, or both, provided that in any written examination such applicant shall be designated by a number instead of his name so that his identity shall not be disclosed to the members of the Board until the examination papers have been graded. The Board shall grade the written examinations returned by the candidates and shall keep them for at least one year. A candidate shall be held to have passed the examination upon the affirmative vote of three or more members of the Board. Any unsuccessful candidate may upon written request to the Board, see his graded paper.

Section 8. For a period of two years from the effective date of this Act the Board may waive either or both an assembled examination or the other requirements of Section 5 if it deems such action to be in the public interest; and may grant the appropriate license upon payment of the required fee to any person who is qualified by experience to practice psychology, and who has engaged in such practice of a nature satisfactory to the Board for at least three years full time or its equivalent, within three years prior to the effective date of this Act. At its discretion the board may at any time waive the assembled examination and grant the appropriate license upon payment of the required fee to any person who meets the requirements of Section 5 and who is qualified by educational and professional attainments to the satisfaction of the Board if it deems such action to be in the public interest. The Board may also at its discretion grant a certificate without an assembled examination to any person residing or employed in the State who at the time of application is licensed or certified by a similar board of another State whose standards, in the opinion of the Board, are not lower than those required by this Act, or who has been practicing psychology in another State and has qualifications not lower than those required by this Act, and is able to satisfy the Board that to grant him a license would be in the public interest, or who has been certified by the American Board of Examiners in Professional Psychology.

Section 9. The Board of Examiners in Psychology may refuse to grant a certificate, or may recommend suspension of any such license for a definite period not to exceed one year, on the following grounds; to-wit: the employment of fraud or deception in applying for a license or in passing the examination provided for in this Act; conviction of felony; the practice of psychology under a false or assumed name or the impersonation of another practitioner of a like or different name; habitual intemperance in the use of spirits, narcotics, or stimulants to such an extent as to incapacitate for the performance of his duties; violation of the medical practices act; upon recommendation of the Ethics Committee of the Alabama Psychological Association or of the American Psychological Association; or negligence or wrongful actions in the performance of his duties. Said Board may, upon satisfactory proof that any applicant or licentiate has been guilty of any of the above offenses, refuse to grant a certificate to said applicant or may recommend revocation of a license of said licentiate upon a vote of at least three members of the Board. After three years from the date of a revocation, an application for reinstatement be made to the Board, and it may, upon favorable action by three of its members, recommend such reinstatement.

Section 10. The Board may not recommend suspension or revocation of licensure or refuse to issue or to renew any certificate for any cause listed in Section 9, unless the person accused has been given at least twenty days notice in writing of the charge against him and a public hearing by the Board. The written notice shall be mailed to the person's last known address, but the non-appearance of the person shall not prevent such a hearing. Upon such a hearing the Board may administer oath and procure by its subpoenas the attendance of witness and the production of relevant books and paper.

Section 11. Any action of, or ruling or order made or entered by the Board declining to issue a certificate, declining to recommend licensure or recommending suspension or revocation of a certificate or license shall be subject to review by the Courts of this State in the same manner, and subject to the same powers and conditions as now provided by law in regard to rulings, orders and findings of other quasi-judicial bodies in Alabama, where not otherwise specifically provided. No such appeal while pending appropriate court action shall supercede such revocation or suspension.

Section 12. There shall be paid to the Board chairman by each applicant for a permanent license fee of twenty-five dollars. No part of any fee shall be returnable under any circumstances other than failure of the Board to hold examinations at the time originally announced, whereupon the entire fee may be returned at the option of the candidate. All fees collected in this manner plus renewal fees as outlined in Section 13 of this Act, and all gifts or grants shall be deposited in the State Treasury to the credit of the Board. There is hereby appropriated from the funds to the credit of said Board to be used for printing, travel expense of the Board and for other necessary expenses such sums as are necessary to carrying out the provisions of this Act. Vouchers in payment of expenses shall be drawn on the State Comptroller signed by the Chairman of the Board.

Section 13. The Board of Examiners in Psychology shall have authority to administer oaths, to summon witnesses and to take testimony in all matters relating to its duties. Said Board shall be the sole agency in this State empowered to certify concerning competence in the practice of psychology and the sole board empowered to recommend licensure for the practice of psychology. No individual shall be issued a license for the practice of psychology who has not been previously certified by the Board of Examiners in Psychology. The Board of Examiners in Psychology shall certify as competent to practice psychology all persons who shall present satisfactory evidence of attainments and qualifications under provisions of this Act and the rules and regulations of the Board. Such certification shall be signed by the chairman of the Board of Examiners in Psychology under the Board's adopted seal. It shall be the duty of the Board chairman under the direction of the Board to aid the solicitors in the enforcement of this Act and the prosecutions of all persons charged with the violation of its provisions. Psychologists licensed by the Board shall be required to submit biennially a completed registration fee of ten dollars to the Board after the first year. The list of registered psychologists shall be made available to interested individuals or organizations at a nominal charge.

Section 14. For the purpose of this Act, the confidential relations and communications between licensed Psychologist and client are placed upon the same basis as those provided by law between attorney and client, and nothing in this Act shall be construed to require any such privileged communication to be disclosed.

Section 15. The Board of Examiners shall adopt the Code of Ethics of the American Psychological Association to govern appropriate practices or behavior as referred to in Section 9 and Section 10 and shall file such code with the Secretary of State within 30 days prior to effective date of such Code.

Section 16. Each and every provision and section of this Act shall be construed as severable from each other provision and section of the Act, and the unconstitutionality of any part of this Act shall not invalidate any other part thereof, the Legislature hereby expressly declaring that this Act would have been passed with any such unconstitutional provision elided therefrom.

Section 17. This Act shall take effect on October 1, 1963.

Which was adopted.

Yeas 31; Nays 0.

Yeas:

Messrs.
Adams

Allen
Bentley

Brannan
Carter

Clark
Cooper

REGULAR SESSION

1503

Dumas	Hornsby	McDow	Robison (Montgomery)
Eddins	James	Metcalf	Robison (Pickens)
Evans	Lolley	Nichols	Shelton
Gilchrist	Lowe	Oden	Smith
Givhan	Mathews	Reynolds	Taylor
Hawkins	McCain	Roberts	Tyson

—31

Nays:

—0

And said Bill, SB 195, as thus amended by the substitute, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 31; Nays 0.

Yeas:

Messrs.	Dumas	Lolley	Reynolds
Adams	Eddins	Lowe	Roberts
Allen	Evans	Mathews	Robison (Montgomery)
Bentley	Gilchrist	McCain	Robison (Pickens)
Brannan	Givhan	McDow	Shelton
Carter	Hawkins	Metcalf	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson

—31

Nays:

—0

The Bill:

S. 344. To make an appropriation to the Alabama Boys Industrial School for the construction, reconstruction, alteration and improvement of school facilities, including the construction and equipment of a gymnasium.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 30; Nay 1.

Yeas:

Messrs.	Eddins	Lowe	Robison (Montgomery)
Adams	Evans	Mathews	Robison (Pickens)
Allen	Gilchrist	McDow	Shelton
Bentley	Givhan	Metcalf	Smith
Brannan	Hawkins	Nichols	Taylor
Clark	Hornsby	Oden	Tyson
Cooper	James	Reynolds	Wilson
Dumas	Lolley	Roberts	

—30

Nay:

Mr. Carter

—1

The Bill:

H. 414. To amend Act No. 693, H. 658, Regular Session 1947 (General Acts 1947, p. 527), an act providing medical deductions to individual income taxpayers.

Was read a third time at length and passed.

Yeas 31; Nays 0.

Yeas:

Messrs.	Dumas	Lolley	Roberts
Adams	Eddins	Lowe	Robison (Montgomery)
Allen	Evans	Mathews	Robison (Pickens)
Bentley	Gilchrist	McCain	Shelton
Brannan	Givhan	McDow	Smith
Carter	Hawkins	Metcalf	Taylor
Clark	Hornsby	Nichols	Tyson
Cooper	James	Reynolds	Wilson

—31

Nays:

—0

The Bill:

S. 201. Relating to county prisoners; authorizing county governing bodies to provide certain allowances for convicts engaged in working the public roads and streets.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nays 0.

Yeas:

Messrs.	Evans	Mathews	Robison (Montgomery)
Allen	Gilchrist	McDow	Robison (Pickens)
Bentley	Givhan	Metcalf	Shelton
Brannan	Hawkins	Nichols	Smith
Carter	James	Oden	Taylor
Clark	Lolley	Reynolds	Tyson
Cooper	Lowe	Roberts	Wilson
Eddins			

—28

Nays:

—0

The Bill:

H. 50. To provide further for assistance to blind persons.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, to-wit:

Amendment to H.B. 50

Amend House Bill 50 by striking in its entirety item 2 of Section 4 of said bill and insert in lieu thereof the following:

"2. Such additional income and resources by those recipients who have a plan for self-support as may be found necessary to carry out such plan for up to a period of 12 months, or so long as may be permitted under the regulations of the Federal Department of Health, Education and Welfare."

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs.	Eddins	Lolley	Roberts
Adams	Evans	Mathews	Robison (Montgomery)
Allen	Gilchrist	McCain	Robison (Pickens)
Bentley	Givhan	Metcalf	Shelton
Brannan	Hawkins	Nichols	Smith
Carter	Hornsby	Oden	Taylor
Clark	James	Reynolds	Wilson
Cooper			

—28

Nays:

—0

And said Bill, HB 50, as thus amended, was then read a third time at length and passed.

Yeas 31; Nays 0.

Yeas:

Messrs.	Dumas	Lolley	Reynolds
Adams	Eddins	Lowe	Roberts
Allen	Evans	Mathews	Robison (Montgomery)
Bentley	Gilchrist	McCain	Robison (Pickens)
Brannan	Givhan	McDow	Shelton
Carter	Hawkins	Metcalf	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Wilson

—31

Nays:

—0

The Bill:

H. 310. To amend further Section 706 of Title 51, Code of Alabama (1940), as amended, by providing further for the transfer of ownership of certain motor vehicle license tags.

Was read a third time at length and passed.

Yeas 28; Nay 1.

Yeas:

Messrs.	Carter	Givhan	Mathews
Adams	Clark	Hawkins	McDow
Allen	Dumas	Hornsby	Metcalf
Bentley	Eddins	James	Nichols
Brannan	Evans	Lolley	Oden

Reynolds	Robison (Pickens)	Smith	Tyson
Roberts	Shelton	Taylor	Wilson
Robison (Montgomery)			

- 28

Nay:

Mr. Cooper

—1

The Bill:

S. 90. To amend Title 22, Section 199, Code of Alabama 1940, as amended, which relates to care and treatment of tubercular patients.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McCain	Reynolds
Brannan	Hammond	McDow	Shelton
Carter	Hawkins	Metcalf	Smith
Clark	Hornsby	Montgomery	Taylor
Cooper	James	Nichols	Tyson
Dumas	Lolley	Oden	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 390. To provide for advance payment of dues by state-chartered member credit unions to the State organization, Alabama Credit Union League, and the amortization over a period up to and including fifteen years of the credit extended to the member credit unions in the form of advance dues certificates issued by the Alabama Credit Union League.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 96. To amend Title 51, Section 646, Code of Alabama, 1940 as amended.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Eddins	Hornsby	Montgomery
Adams	Evans	Lowe	Roberts
Allen	Gilchrist	Mathews	Robison (Montgomery)
Bentley	Givhan	McCain	Robison (Pickens)
Brannan	Hammond	McDow	Shelton
Carter	Hawkins	Metcalf	Smith
Clark			

—24

Nays:

—0

The Bill:

S. 340. Relating to the publication of legal notices; providing for supplemental publication of notices by radio or television broadcasting stations.

Was read a third time at length passed, and ordered sent forth-with to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Pickens)
Bentley	Hammond	Metcalf	Shelton
Brannan	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 230. Relating to vocational trade schools; providing that upon the conveyance of the Alabama Institute of Aviation Technology by the city board of education, Ozark, Alabama, to the State of Alabama, that the state board of education be authorized, directed and required to provide for the operation and maintenance of said Alabama Institute of Aviation Technology as an additional Vocational Trade School.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Allen	Cooper	Eddins
Adams	Bentley	Dumas	Evans

Gilchrist	Lowe	Oden	Robison (Pickens)
Givhan	Mathews	Reynolds	Taylor
Hornsby	McCain	Roberts	Tyson
James	Metcalf	Robison (Montgomery)	Wilson
Lolley			

—24

Nays:

—0

The Bill:

S. 61. Relating to administration of the state highway department; prescribing the salary of the executive assistant highway director.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Lolley	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 309. To amend further Section 89 and Section 90 of Title 36, Code of Alabama (1940), as amended, which limits the size and weight limits of motor vehicles and loads, and prescribes exemptions therefrom.

was taken up.

Mr. Smith offered the following amendment to the Bill, to-wit:

Amendment to H.B. 309

In Section 1, paragraph (a), add at the end thereof the following sentence:

No vehicle hauling pine or cedar logs shall have a load exceeding 102 inches in width, provided, however, these limits shall not be permitted on any Interstate or Defense highways where such limits are prohibited by Federal statute.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.	Carter	Cooper	Eddins
Brannan	Clark	Dumas	Givhan

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Hammond	McDow	Oden	Smith
Hawkins	Metcalf	Reynolds	Taylor
Hornsby	Montgomery	Robison (Pickens)	Tyson
James	Nichols	Shelton	Wilson
Lolley			

—24

Nays:

—0

And said Bill, HB 309, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 379. To amend Section 567, Title 52, Code of Alabama 1940, which relates to the time when title to sixteenth section lands may be acquired by adverse possession.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	James	Oden	Smith
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 249. To amend Section 12 (2) of Title 51, Code of Alabama 1940 relating to exemptions from any and all state, county and municipal taxes, licenses, fees, and charges of any nature whatsoever.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 401. Relating to taxation: To exempt certain ingredients used in mixing and preparing feeds for livestock and poultry from the State Sales and Use Taxes.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

S. 442. To authorize and provide for converting Northwest Alabama Junior College into an institution of the type authorized by Act No. 93, Second Special Session 1963; prescribing the manner of so converting such college and providing for the transfer of certain duties and responsibilities of the board of trustees thereof to the State Board of Education; and constituting said board of trustees and advisory committee to advise and assist the State Board of Education in matters relative to such college.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 235. To provide for the issuance of special motor vehicle license tags or plates to certain disabled veterans; prescribing penalties for misuse of such tags or plates.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Nichols
Adams	Gilchrist	Mathews	Roberts
Allen	Givhan	McCain	Robison (Montgomery)
Bentley	Hammond	McDow	Robison (Pickens)
Brannan	Hawkins	Metcalf	Shelton
Carter	Hornsby	Montgomery	Smith
Clark			

—24

Nays:

—0

The Bill:

H. 417. To amend Act No. 100, H. 94, Second Special Session 1959, entitled "An Act To raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented," so as to provide an exemption from such taxes on sales of fuel and supplies for use or consumption on certain ships and towing vessels.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Pickens)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 673. Relating to the public revenue; further defining the terms "wholesale sale" or "sale at wholesale" used in administering the state sales and use tax statutes; repealing Section 481 of Title 51, Code of Alabama, 1940, as amended by Act No. 339, H. 440, approved July 1, 1943, General Acts of Alabama, 1943, pp. 319-20.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

The Bill:

H. 413. To regulate the labeling, sale and offering or exposing for sale or distribution of agricultural, vegetable, flower, tree, shrub and herb seeds; to prevent misrepresentations relative thereto and to prohibit the sale of such seeds not in compliance with the requirements of this Act; to require seed dealers and others engaged in the sale of seeds to obtain an annual permit from the Department of Agriculture and Industries and to prescribe the amount of the permit fee; to authorize the State Board of Agriculture and Industries to promulgate rules and regulations for effectuating the purposes of this Act; to prescribe the duties and authority of the Commissioner of Agriculture and Industries relative to administration and enforcement of this Act; to prescribe a penalty for violations of this Act and other administrative and enforcement provisions; to repeal Act No. 560, S. 369, Legislature of 1943, approved July 9, 1943 (Acts of 1943, page 552).

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Evans	Lowe	Roberts
Adams	Gilchrist	Mathews	Robison (Montgomery)
Allen	Givhan	McCain	Robison (Pickens)
Bentley	Hammond	McDow	Shelton
Brannan	Hawkins	Metcalf	Smith
Carter	Hornsby	Montgomery	Taylor
Clark			

—24

Nays:

—0

The Bill:

H. 419. To amend Act No. 422, H. 325, Regular Sessions, 1951, which is known as "The Alabama Real Estate License Law of 1951", and Act No. 513, Regular Session 1953.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.	Givhan	McDow	Robison (Pickets)
Brannan	Hammond	Metcalf	Shelton
Carter	Hawkins	Montgomery	Smith
Clark	Hornsby	Nichols	Taylor
Cooper	James	Oden	Tyson
Dumas	Lolley	Reynolds	Wilson
Eddins			

—24

Nays:

—0

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Hawkins, further consideration of the Bill, HB 747, was indefinitely postponed.

On motion of Mr. Hornsby, further consideration of the Bill, SB 345, was indefinitely postponed.

On motion of Mr. Hawkins, further consideration of the Bills, SB 271 and SB 272, was indefinitely postponed.

On motion of Mr. Allen, further consideration of the Bill, HB 256, was indefinitely postponed.

On motion of Mr. Roberts, further consideration of the Bills, SB 356, SB 357 and SB 359, was indefinitely postponed.

On motion of Mr. Shelton, further consideration of the Bill SB 330, was indefinitely postponed.

On motion of Mr. Evans, further consideration of the Bill, SB 161, was indefinitely postponed.

On motion of Mr. Evans, further consideration of the Bill, SB 57, was indefinitely postponed.

On motion of Mr. Lolley, further consideration of the Bill, HB 1057, was indefinitely postponed.

ADJOURNMENT

At 11:10 P.M., on motion of Mr. Eddins, the Senate adjourned until Friday, August 23, 1963, at 10 o'clock A.M.
